

EXHIBIT 7

**Excerpts of Deposition of Gene Deetz
(Oct. 19, 2016), Case No. 15-cv-3378,
Dkt. No. 322-3 (Jan. 6, 2017)**

EXHIBIT B

DEPOSITION OF GENE DEETZ

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GOLDEN BOY PROMOTIONS, LLC,)
GOLDEN BOY PROMOTIONS, INC.,)
AND BERNARD HOPKINS,)

PLAINTIFFS,)

VS.)

ALAN HAYMON, ALAN HAYMON)
DEVELOPMENT, INC., HAYMON)
HOLDINGS, LLC, HAYMON)
SPORTS, LLC, HAYMON BOXING)
MANAGEMENT, HAYMON BOXING,)
LLC, AND RYAN CALDWELL,)

DEFENDANTS.)

CASE NO.
2:15-CV-03378
JFW (MRWX)

DEPOSITION OF GENE DEETZ, TAKEN ON
BEHALF OF THE DEFENDANTS, AT 865
SOUTH FIGUEROA STREET, TENTH FLOOR,
LOS ANGELES, CALIFORNIA, COMMENCING
AT 9:07 A.M., WEDNESDAY, OCTOBER 19,
2016, BEFORE TRACY M. FOX, CSR NUMBER
10449.

kna

DEPOSITION OF GENE DEETZ

09:21:43 1 SUGGESTING, IN -- IN THE POSSIBILITY.

09:21:45 2 SO IT'S THE EFFECT THAT CONTINUES THAT
09:21:47 3 I'M -- I'M CAPTURING.

09:21:47 4 BY MR. WOLFSON:

09:21:47 5 Q. AND HOW WOULD THE EFFECT CONTINUE
09:21:49 6 BASED -- DO YOU HAVE NO OPINION ON HOW THE EFFECTS
09:21:51 7 COULD CONTINUE?

09:21:52 8 A. OTHER THAN THAT'S DESCRIBED IN
09:21:53 9 DR. KNEUPER'S REPORT, NO, I DON'T HAVE ANY OPINION.

09:21:56 10 Q. SO THE DISTINCTION BETWEEN YOUR TWO
09:21:58 11 MODELS -- THE ONE WITH THE CONTINUING LOST PROFITS
09:22:00 12 AND THE MORE LIMITED LOST PROFITS -- ARE ENTIRELY
09:22:03 13 BASED ON DR. KNEUPER'S REPORT?

09:22:09 14 A. WELL, THE LIABILITY ASSUMPTION IS
09:22:11 15 BASED ON DR. KNEUPER'S WORK, THAT THERE'S -- THERE'S
09:22:14 16 BEEN TYING TO AND A LOCKUP OF T.V. AND THE EFFECT OF
09:22:18 17 THAT ON GOLDEN BOY'S BUSINESS PLAN.

09:22:20 18 THE -- THE TIME FRAME I'VE BROKEN DOWN
09:22:23 19 INTO FOUR DIFFERENT STAGES. AND THE LAST STAGE --
09:22:26 20 THE LAST ONE ON EXHIBIT 5 THAT WE'RE TALKING ABOUT --

09:22:30 21 Q. UH-HUH.

09:22:30 22 A. -- THAT GOES ON INTO THE FUTURE, IS ON
09:22:33 23 THE ASSUMPTION THAT THAT EFFECT CONTINUES PAST 2017,
09:22:36 24 I BELIEVE.

09:22:54 25 Q. OKAY. LET ME BACKTRACK.

DEPOSITION OF GENE DEETZ

09:22:56 1 SO, MR. DEETZ, CAN YOU TURN TO
09:22:59 2 PARAGRAPH 9 OF YOUR REPORT.

09:23:06 3 A. I HAVE IT IN FRONT OF ME.

09:23:21 4 Q. NOW, SIR, IF YOU LOOK, THE SECOND
09:23:23 5 SENTENCE IN PARAGRAPH 9, STATES:

09:23:24 6 "THE RELATIONSHIP BETWEEN
09:23:25 7 GOLDEN BOY AND THE BROADCAST
09:23:27 8 MEDIA," PAREN, (H.B.O.,
09:23:30 9 SHOWTIME, FOX, AMONG OTHERS), "
09:23:32 10 END PAREN, "AND GOLDEN BOY'S
09:23:33 11 ABILITY TO PROMOTE SUCCESSFUL
09:23:34 12 EVENTS REQUIRED, AMONG OTHER
09:23:37 13 THINGS, CHAMPIONSHIP-CALIBER
09:23:40 14 BOXERS AND NETWORK TIME-SLOT
09:23:44 15 AVAILABILITY."

09:23:44 16 DO YOU SEE THAT?

09:23:46 17 A. I DO.

09:23:47 18 Q. SO IN YOUR OPINION HERE, YOU'RE
09:23:47 19 STATING THAT GOLDEN BOY'S ABILITY TO PROMOTE
09:23:50 20 SUCCESSFUL EVENTS REQUIRES BOTH CHAMPIONSHIP-CALIBER
09:23:57 21 BOXERS AND NETWORK TIME-SLOT AVAILABILITY; RIGHT?

09:23:59 22 MR. CESTERO: OBJECTION. THE DOCUMENT
09:23:59 23 SPEAKS FOR ITSELF.

09:24:00 24 THE DEPONENT: YEAH. THE -- THE
09:24:01 25 RELATIONSHIP -- THE SENTENCE SAYS WHAT IT SAYS.

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DEPOSITION OF GENE DEETZ

09:24:03 1 THE RELATIONSHIP BETWEEN GOLDEN BOY
09:24:04 2 AND THE BROADCAST MEDIA AND GOLDEN BOY'S ABILITY TO
09:24:07 3 PROMOTE REQUIRES, AMONG OTHER THINGS, THOSE TWO
09:24:10 4 THINGS: CHAMPIONSHIP-CALIBER BOXERS AND NETWORK
09:24:14 5 TIME-SLOT AVAILABILITY.
09:24:15 6 BY MR. WOLFSON:
09:24:15 7 Q. REQUIRES CHAMPIONSHIP-CALIBER
09:24:17 8 BOXERS --
09:24:17 9 A. RIGHT.
09:24:18 10 Q. -- AS A NECESSARY INPUT FOR THEIR
09:24:20 11 SUCCESSFUL EVENTS?
09:24:21 12 A. YES.
09:24:21 13 Q. OKAY. NOW, YOU CITE TO DR. KNEUPER --
09:24:26 14 KNEUPER'S REPORT?
09:24:27 15 A. EXCUSE ME.
09:24:29 16 YEAH, IT'S DR. KN- -- IT'S KNEUPER, " I
09:24:30 17 BELIEVE.
09:24:38 18 Q. OKAY. AND YOU CITE TO DR. KNEUPER'S
09:24:41 19 REPORT FOR THE CRITERIA FOR CHAMPIONSHIP-CALIBER
09:24:43 20 BOXERS; IS THAT RIGHT?
09:24:44 21 A. YES.
09:24:45 22 Q. AND YOU CITE TO MR. SHAW -- GARY
09:24:49 23 SHAW'S REPORT HERE FOR THE PROPOSITION THAT GOLDEN
09:24:52 24 BOY HAS TO HAVE CHAMPIONSHIP-CALIBER BOXERS AND
09:24:56 25 NETWORK TIME-SLOT AVAILABILITY?

kna

DEPOSITION OF GENE DEETZ

09:24:59 1 A. YES, I CITE -- I CITE TO DR. -- EXCUSE
09:25:00 2 ME TO -- GARY -- TO MR. SHAW --
09:25:01 3 Q. UH-HUH.
09:25:02 4 A. -- THAT CERTAINLY COULD BE
09:25:03 5 ALSO INCLUDED IN DR. KNEUPER'S REPORT. BUT I CITE --
09:25:07 6 FOR THIS PARTICULAR REFERENCE, I CITE TO GARY SHAW.
09:25:10 7 Q. OKAY. BUT THE CRITERIA FOR
09:25:11 8 CHAMPIONSHIP-CALIBER BOXER COMES FROM DR. KNEUPER?
09:25:15 9 A. THAT'S CORRECT, YES.
09:25:15 10 Q. DID YOU SPEAK TO ANYONE AT GOLDEN BOY
09:25:18 11 ABOUT THE CRITERIA FOR CHAMPIONSHIP-CALIBER BOXERS?
09:25:21 12 A. I DON'T BELIEVE I DID, NO.
09:25:22 13 Q. AFTER SUBMITTING THIS REPORT, DID
09:25:26 14 ANYONE FROM GOLDEN BOY CONTACT YOU REGARDING THE
09:25:29 15 CRITERIA FOR CHAMPIONSHIP-CALIBER BOXERS?
09:25:31 16 MR. CESTERO: OBJECTION. IT'S VAGUE
09:25:32 17 AND AMBIGUOUS.
09:25:32 18 THE DEPONENT: I HAVEN'T SPOKEN TO
09:25:33 19 ANYBODY AT GOLDEN BOY SINCE I'VE ISSUED MY REPORT.
09:25:36 20 BY MR. WOLFSON:
09:25:36 21 Q. SINCE YOU ORIGINALLY ISSUED YOUR
09:25:38 22 REPORT ON SEPTEMBER 6TH TO YESTERDAY WHEN YOU CREATED
09:25:42 23 AN UPDATED EXHIBIT 3, DID YOU CHANGE THE CRITERIA YOU
09:25:46 24 USED TO DETERMINE WHAT IS A CHAMPIONSHIP-CALIBER
09:25:49 25 BOXER?

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DEPOSITION OF GENE DEETZ

09:30:34 1 A. -- THEN AS PART OF REVIEWING THE SMITH
09:30:36 2 REPORT AND THEN PREPARING FOR MY DEPOSITION, I WENT
09:30:38 3 BACK TO THE WORK.

09:30:40 4 AND WHEN I LOOKED AT -- YESTERDAY
09:30:43 5 MORNING, WHEN I WAS JUST LOOKING AT EXHIBIT 3 --

09:30:45 6 Q. UH-HUH.

09:30:48 7 A. -- THAT I NOTICED THAT THE COLUMN FOR
09:30:50 8 "NON-CHAMPIONSHIP-CALIBER" HAD A SIGNIFICANT AMOUNT
09:30:52 9 OF REVENUE IN IT, WHICH TOLD ME THAT I SHOULD RE-LOOK
09:30:55 10 AT MR. MAYWEATHER. BECAUSE HE WOULD BE THE MAIN
09:30:58 11 DRIVER OF THE NON-GOLDEN BOY CONTRACT REVENUE.

09:31:01 12 AND IT JUST LOOKED OUT OF SORTS TO ME.
09:31:03 13 SO THAT'S WHEN I DECIDED TO GET MY TEAM TOGETHER AND
09:31:05 14 GO BACK THROUGH THE WHOLE -- THE -- THE WHOLE
09:31:06 15 PROCESS.

09:31:07 16 Q. OKAY. AND IN THE FIRST INSTANCE,
09:31:11 17 HOW DID YOU DECIDE WHETHER OR NOT TO EXCLUDE OR
09:31:18 18 INCLUDE -- STRIKE THAT.

09:31:19 19 IN THE FIRST INSTANCE, HOW DID YOU
09:31:21 20 DECIDE WHETHER OR NOT TO INCLUDE BOXERS AS
09:31:24 21 CHAMPIONSHIP-CALIBER BOXERS FOR THE PURPOSES OF YOUR
09:31:25 22 ANALYSIS?

09:31:26 23 MR. CESTERO: OBJECTION. IT'S VAGUE
09:31:27 24 AND AMBIGUOUS, AND MISSTATES THE ANALYSIS, AND
09:31:29 25 MISSTATES --

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DEPOSITION OF GENE DEETZ

09:31:29 1 THE DEPONENT: WELL, IN --
09:31:29 2 MR. CESTERO: -- THE DOCUMENT.
09:31:30 3 THE DEPONENT: WELL, IN THE FIRST
09:31:31 4 INSTANCE AND IN THE SECOND INSTANCE, I APPLIED
09:31:34 5 DR. KNEUPER'S CRITERIA, WHICH GENERALLY WOULD BE A
09:31:41 6 RANKINGS CRITERIA, A TELEVISION-APPEARANCE CRITERIA,
09:31:44 7 AND A U.S.-BASED PROMOTER OR A MANAGEMENT CRITERIA.
09:31:48 8 AND I APPLIED THOSE IN BOTH INSTANCES.
09:31:50 9 THE -- THE -- PRIMARILY IN THE
09:31:52 10 NON-CONTRACT FIGHTERS -- BUT THERE WERE A COUPLE OF
09:31:55 11 CORRECTIONS IN THE GOLDEN BOY CONTRACT FIGHTERS.
09:31:57 12 THEY WERE JUST -- THEY WERE JUST
09:31:58 13 MISCLASSIFICATIONS THAT I DIDN'T -- I DIDN'T CATCH
09:32:01 14 WHEN I FILED MY ORIGINAL REPORT. BUT THE CRITERIA
09:32:03 15 WERE THE SAME.
09:32:04 16 BY MR. WOLFSON:
09:32:04 17 Q. UH-HUH. NOW, HAD YOU EVER, BEFORE
09:32:06 18 THIS CASE, HEARD THE TERM "CHAMPIONSHIP-CALIBER
09:32:09 19 BOXER"?
09:32:09 20 A. TO THE BEST OF MY RECOLLECTION, I HAVE
09:32:11 21 NOT.
09:32:14 22 Q. OKAY. AND JUST TO BE CLEAR, YOU'RE
09:32:16 23 ACCEPTING DR. KNEUPER'S DEFINITION OF
09:32:19 24 "CHAMPIONSHIP-CALIBER BOXER" FOR THE PURPOSE OF YOUR
09:32:21 25 OWN REPORT?

DEPOSITION OF GENE DEETZ

09:32:21 1 MR. CESTERO: OBJECTION; ASKED AND
09:32:22 2 ANSWERED.
09:32:23 3 THE DEPONENT: THAT'S CORRECT, YEAH.
09:32:24 4 BY MR. WOLFSON:
09:32:24 5 Q. AND YOU HAVE NOT CONDUCTED ANY OF YOUR
09:32:26 6 OWN ANALYSIS TO DETERMINE IF THERE ARE -- ARE
09:32:28 7 ALTERNATIVE DEFINITIONS OF "CHAMPIONSHIP-CALIBER
09:32:31 8 BOXERS" USED IN THE INDUSTRY?
09:32:33 9 A. I HAVE NOT.
09:32:37 10 Q. AND YOU'VE NEVER INTERVIEWED ANYONE
09:32:39 11 AT GOLDEN BOY TO CONFIRM THE REASONABLENESS OF
09:32:41 12 DR. KNEUPER'S DEFINITION?
09:32:43 13 (SPEAKING SIMULTANEOUSLY.)
09:32:43 14 MR. CESTERO: OBJECTION; VAGUE
09:32:43 15 AND AMBIGUOUS, AND --
09:32:44 16 THE DEPONENT: NO, I HAVE --
09:32:45 17 MR. CESTERO: -- MISSTATES THE
09:32:48 18 WITNESS'S TESTIMONY.
09:32:48 19 THE DEPONENT: I HAVE NOT.
09:32:49 20 EXCUSE ME.
09:32:50 21 MR. CESTERO: IT'S OKAY.
09:32:51 22 MR. WOLFSON: HERE YOU GO.
09:32:51 23 / / /
09:32:51 24 / / /
09:32:51 25 / / /

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DEPOSITION OF GENE DEETZ

09:34:34 1 DR. KNEUPER'S REPORT HERE.

09:34:35 2 A. RIGHT.

09:34:36 3 Q. THIS IS EXHIBIT 3:

09:34:37 4 "U.S. MANAGED CHAMPIONSHIP-CALIBER

09:34:39 5 BOXERS."

09:34:41 6 DO YOU SEE THAT?

09:34:41 7 A. I DO.

09:34:41 8 Q. AND THIS IS SORTED ALPHABETICALLY.

09:34:47 9 A. I DO SEE THAT.

09:34:47 10 Q. NOW, DO YOU SEE MR. ANGULO'S NAME IN

09:34:50 11 HERE?

09:34:51 12 A. I DO NOT.

09:34:54 13 Q. OKAY. IF YOU COULD TURN TO EXHIBIT

09:34:56 14 70, WHICH IS EXHIBIT 4 OF DR. KNEUPER'S REPORT.

09:35:04 15 A. I SEE THAT.

09:35:05 16 Q. AND THIS IS EXHIBIT OF:

09:35:05 17 "U.S. PROMOTED CHAMPIONSHIP-CALIBER

09:35:05 18 BOXERS."

09:35:05 19 DO YOU SEE THAT?

09:35:07 20 A. YES.

09:35:07 21 Q. AND, AGAIN, THIS IS SORTED

09:35:08 22 ALPHABETICALLY?

09:35:10 23 A. YES.

09:35:11 24 Q. DO YOU SEE MR. ANGULO'S NAME IN THIS

09:35:14 25 LIST OF CHAMPIONSHIP-CALIBER BOXERS?



DEPOSITION OF GENE DEETZ

09:35:16 1 A. I DO NOT.

09:35:16 2 Q. OKAY. BUT YOU INCLUDED HIM IN YOUR

09:35:18 3 ANALYSIS AS A CHAMPIONSHIP-CALIBER BOXER?

09:35:21 4 MR. CESTERO: WELL, OBJECTION. IT

09:35:21 5 MISSTATES THE WITNESS, MISSTATES THE DOCUMENT. IT'S

09:35:23 6 VAGUE AS TO TIME.

09:35:25 7 (SPEAKING SIMULTANEOUSLY.)

09:35:25 8 THE DEPONENT: YEAH, IT'S -- THIS

09:35:28 9 IS --

09:35:28 10 MR. CESTERO: AND IT'S A MIS- --

09:35:29 11 DEPOSITION OFFICER: I CAN NOT HEAR

09:35:29 12 YOU, COUNSEL, WHEN --

09:35:29 13 MR. CESTERO: IT'S A --

09:35:29 14 DEPOSITION OFFICER: -- YOU'RE BOTH

09:35:29 15 SPEAKING AT ONCE.

09:35:29 16 MR. CESTERO: -- MISREPRESENTATION OF

09:35:30 17 THE DOCUMENT.

09:35:33 18 GO AHEAD.

09:35:33 19 THE DEPONENT: THE -- THE POINT

09:35:34 20 THAT -- THAT I WOULD MAKE HERE IS THERE'S THREE

09:35:36 21 DIFFERENT PERIODS, AND THOSE CRITERIA APPLY PERIOD

09:35:39 22 SPECIFIC.

09:35:40 23 BY MR. WOLFSON:

09:35:40 24 Q. UH-HUH.

09:35:41 25 A. AND SO TO THE EXTENT THAT THIS

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DEPOSITION OF GENE DEETZ

09:37:40 1 RIGHT, IT SAYS -- MINE SAYS "269,852," I THINK.
09:37:45 2 MR. CESTERO: YEAH. AND JUST IDENTIFY
09:37:45 3 WHICH COLUMN --
09:37:48 4 THE DEPONENT: I'M --
09:37:48 5 MR. CESTERO: -- YOU'RE REFERRING TO,
09:37:48 6 SO WE --
09:37:48 7 THE DEPONENT: I'M SORRY.
09:37:48 8 I'M IN THE "OPERATING INCOME COLUMN,
09:37:49 9 WHICH IS THE FAR-RIGHT COLUMN ON THE FIFTH LINE DOWN.
09:37:52 10 BY MR. WOLFSON:
09:37:52 11 Q. UH-HUH. SO FOR YOUR 2014 DETAIL,
09:37:54 12 MR. ANGULO CONTRIBUTED ALMOST 270,000 DOLLARS TO THE
09:38:01 13 OPERATING INCOME ATTRIBUTED TO CHAMPIONSHIP-CALIBER
09:38:06 14 BOXERS UNDER CONTRACT WITH GOLDEN BOY; RIGHT?
09:38:08 15 A. THAT'S -- THAT'S WAS THIS APPEARS TO
09:38:10 16 SAY, YES.
09:38:15 17 Q. AND DO YOU HAVE ANY IDEA --
09:38:17 18 MR. CESTERO: WELL, HANG ON. HANG ON
09:38:17 19 A SECOND.
09:38:18 20 YEAH. OKAY.
09:38:18 21 BY MR. WOLFSON:
09:38:18 22 Q. OKAY. DO YOU HAVE IDEA WHY MR. ANGULO
09:38:20 23 WAS NOT INCLUDED AS A CHAMPIONSHIP-CALIBER BOXER IN
09:38:23 24 DR. KNEUPER'S REPORT?
09:38:24 25 A. OTHER THAN THAT -- THAT IT COULD BE AT



DEPOSITION OF GENE DEETZ

09:38:26 1 A DIFFERENT TIME PERIOD, I WOULDN'T HAVE ANY -- I
09:38:29 2 WOULDN'T HAVE ANY KNOWLEDGE OF WHY OR WHY IT WAS
09:38:31 3 NOT.

09:38:31 4 Q. OKAY. WHY DON'T WE GO DOWN A COUPLE
09:38:34 5 ROWS TO A BOXER NAMED DEVON ALEXANDER.

09:38:44 6 MR. CESTERO: A COUPLE -- DOWN A
09:38:44 7 COUPLE ROWS ON 74?

09:38:45 8 MR. WOLFSON: UH-HUH. YES, ON THE
09:38:45 9 2014 DETAIL, EXHIBIT 3.
09:38:47 10 BY MR. WOLFSON:

09:38:47 11 Q. DO YOU SEE THAT?

09:38:56 12 A. GIVE ME A SECOND. THIS IS REALLY A
09:39:00 13 TEST.

09:39:00 14 Q. YEAH. IT'S VERY SMALL TEXT.
09:39:02 15 I APOLOGIZE.

09:39:03 16 A. NO.

09:39:08 17 ALL RIGHT I HAVE HIM.

09:39:08 18 AND LET ME COUNT THE ROWS OUT FOR THE
09:39:09 19 RECORD: ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN,
09:39:12 20 EIGHT, NINE, TEN, ELEVEN, TWELVE -- THIRTEEN ROWS
09:39:12 21 DOWN?

09:39:13 22 Q. ABOUT THAT.

09:39:14 23 A. OKAY. I SEE THAT.

09:39:15 24 Q. DO YOU SEE HIM?

09:39:16 25 A. UH-HUH.

DEPOSITION OF GENE DEETZ

09:40:01 1 MR. ALEXANDER WAS A CHAMPIONSHIP-CALIBER BOXER?

09:40:03 2 A. AGAIN, I DON'T -- I DON'T KNOW IF --
09:40:05 3 IF HE DID OR DIDN'T OR AT WHAT PARTICULAR TIME HE
09:40:07 4 WOULD HAVE CONSIDERED HIM.

09:40:08 5 Q. ARE YOU CONTENDING THAT MR. ALEXANDER
09:40:10 6 IS A CHAMPIONSHIP-CALIBER BOXER?

09:40:12 7 MR. CESTERO: PRESENTLY AS WE SIT HERE
09:40:13 8 TODAY?

09:40:13 9 MR. WOLFSON: IN THIS ANALYSIS.

09:40:15 10 MR. CESTERO: WELL, IN WHICH ANALYSIS?

09:40:15 11 MR. WOLFSON: THIS ANALYSIS, RIGHT IN
09:40:17 12 FRONT OF YOU.

09:40:18 13 THE DEPONENT: YEAH. AND --

09:40:18 14 MR. CESTERO: IN 2014?

09:40:19 15 MR. WOLFSON: IN 2014.

09:40:19 16 THE DEPONENT: IN 2014, YES.

09:40:20 17 BY MR. WOLFSON:

09:40:20 18 Q. HOW ARE YOU QUALIFIED TO PROVIDE THAT
09:40:24 19 SORT OF TESTIMONY, SIR?

09:40:26 20 A. BECAUSE I'M APPLYING DR. KNEUPER'S
09:40:28 21 CRITERIA.

09:40:29 22 Q. BUT IF DR. KNEUPER DID NOT ACTUALLY
09:40:32 23 PROVIDE THAT ANALYSIS, ARE YOU THEN USING HIS
09:40:36 24 ECONOMIC ANALYSIS TO DETERMINE WHO IS AND WHO IS NOT
09:40:39 25 A CHAMPIONSHIP-CALIBER BOXER?

DEPOSITION OF GENE DEETZ

09:40:41 1 MR. CESTERO: OBJECTION. IT MISSTATES
09:40:41 2 THE WITNESS'S TESTIMONY, AND IT MISSTATES THE
09:40:43 3 DOCUMENTS, AND IT'S --

09:40:44 4 THE DEPONENT: YEAH. FOR --

09:40:45 5 MR. CESTERO: -- ARGUMENTATIVE.

09:40:45 6 THE DEPONENT: FOR --

09:40:45 7 MR. CESTERO: GO AHEAD.

09:40:45 8 THE DEPONENT: FOR ALL THREE

09:40:46 9 PERIODS -- FOR '14, '15, AND '16 -- I APPLIED THE

09:40:49 10 CHAMPIONSHIP-CALIBER CRITERIA AS -- AS STATED IN

09:40:52 11 DR. KNEUPER'S REPORT IN DETERMINING THE

09:40:55 12 CLASSIFICATION BETWEEN CHAMPIONSHIP-CALIBER AND

09:40:56 13 NON-CHAMPIONSHIP-CALIBER.

09:40:59 14 SO I'M APPLYING HIS CRITERIA.

09:41:01 15 BY MR. WOLFSON:

09:41:01 16 Q. DID DR. KNEUPER PROVIDE AN OPINION ON
09:41:04 17 WHO WAS AND WAS NOT A CHAMPIONSHIP-CALIBER BOXER IN
09:41:06 18 2014?

09:41:07 19 A. I -- I DON'T BELIEVE HE DID.

09:41:08 20 Q. OKAY. AND HOW ARE YOU QUALIFIED TO
09:41:12 21 PROVIDE AN -- AN OPINION WHO WAS AND WAS NOT A
09:41:15 22 CHAMPIONSHIP-CALIBER BOXER IN 2014?

09:41:17 23 MR. CESTERO: OBJECTION. IT MISSTATES
09:41:18 24 THE WITNESS'S TESTIMONY.

09:41:21 25 THE DEPONENT: YEAH. BE- -- BECAUSE I

DEPOSITION OF GENE DEETZ

09:41:22 1 AM USING HIS CRITERIA AND I'M APPLYING IT
09:41:26 2 CONSISTENTLY IN '16, '15, AND '14.

09:41:29 3 BY MR. HEINLEIN:

09:41:29 4 Q. YOU UNDERSTAND THAT DR.
09:41:29 5 KNEUPER ACTUALLY --

09:41:29 6 MR. CESTERO: HANG ON. HANG ON A
09:41:29 7 SECOND.

09:41:29 8 MR. WOLFSON: GO AHEAD.

09:41:29 9 MR. CESTERO: DON'T INTERRUPT THE
09:41:30 10 WITNESSES. LET HIM FINISH HIS ANSWER.
09:41:33 11 BY MR. WOLFSON:

09:41:33 12 Q. GO AHEAD.

09:41:33 13 A. WELL, I THINK I WAS FINISHED.

09:41:35 14 I'M JUST -- I JUST -- I APPLIED HIS
09:41:36 15 CRITERIA CONSISTENTLY IN '16, '15, AND '14, AND
09:41:38 16 THAT'S THE BASIS FOR THE OPINION IN EACH OF THE
09:41:40 17 YEARS.

09:41:40 18 Q. NOW, YOU UNDERSTAND THAT DR. KNEUPER
09:41:42 19 ACTUALLY SPOKE WITH GOLDEN BOY EMPLOYEES ABOUT WHAT
09:41:45 20 DOES AND DOES NOT CONSTITUTE A CHAMPIONSHIP-CALIBER
09:41:48 21 BOXER?

09:41:49 22 A. I'D HAVE TO REFRESH MY RECOLLECTION.
09:41:51 23 I -- I KNOW HE CITED CONVERSATIONS WITH GOLDEN BOY
09:41:54 24 ABOUT -- ABOUT THAT.

09:41:55 25 Q. YOU UNDERSTAND THAT DR. KNEUPER IS A

DEPOSITION OF GENE DEETZ

09:41:58 1 PH.D IN ECONOMICS?

09:41:59 2 A. YES.

09:41:59 3 Q. YOU UNDERSTAND THAT DR. KNEUPER

09:42:01 4 CONDUCTED A -- A REVIEW OF DOCUMENTS THAT, IN HIS

09:42:04 5 ECONOMIC ESTIMATION, ALLOWED HIM TO OPINE ON WHAT IS

09:42:08 6 AND IS NOT A CHAMPIONSHIP-CALIBER BOXER?

09:42:10 7 MR. CESTERO: OBJECTION; VAGUE AS TO

09:42:11 8 TIME.

09:42:13 9 THE DEPONENT: I DO UNDERSTAND THAT,

09:42:13 10 AND I DO UNDERSTAND THAT -- THAT THAT DETERMINATION

09:42:16 11 WAS DRIVEN BY THE CRITERIA THAT I APPLIED

09:42:19 12 CONSISTENTLY --

09:42:19 13 BY MR. WOLFSON:

09:42:19 14 Q. UH-HUH.

09:42:21 15 A. -- ACROSS THREE DIFFERENT TIME

09:42:23 16 PERIODS.

09:42:23 17 Q. AND WHY WAS THERE A CHANGE WITH

09:42:25 18 RESPECT TO MR. ALEXANDER?

09:42:26 19 A. WHEN THE ORIGINAL DOCUMENT WAS DONE --

09:42:31 20 THEN -- WHEN THE ORIGINAL DOCUMENT WAS DONE, I HAD --

09:42:34 21 I HAD NOT -- I HAD MISSED SEVERAL OF THESE, IN TERMS

09:42:37 22 OF LOOKING AT THOSE THREE CRITERIA. AND WHEN I WENT

09:42:42 23 BACK AND RE-REVIEWED THAT IN DETAIL, THAT'S WHAT

09:42:46 24 DROVE THE CHANGE.

09:42:48 25 THE CRIT- -- CRITERIA WAS THE SAME,

kna

DEPOSITION OF GENE DEETZ

09:43:59 1 BY MR. WOLFSON:

09:43:59 2 Q. SIR, YOU'RE NOT OFFERING AN OPINION

09:44:01 3 WHAT CONSTITUTES A CHAMPIONSHIP-CALIBER BOXER, ARE

09:44:04 4 YOU?

09:44:04 5 MR. CESTERO: OBJECTION; ASKED AND

09:44:05 6 ANSWERED.

09:44:06 7 THE DEPONENT: NO, I'M APPLYING

09:44:08 8 DR. KNEUPER'S CRITERIA --

09:44:10 9 BY MR. WOLFSON:

09:44:10 10 Q. OKAY.

09:44:10 11 A. -- OF WHAT CONSTITUTES A

09:44:12 12 CHAMPIONSHIP-CALIBER BOXER.

09:44:12 13 Q. AND IN THIS INSTANCE, DR. KNEUPER HAS

09:44:15 14 NOT CONCLUDED THAT DE- -- THAT DEVON ALEXANDER IS A

09:44:18 15 CHAMPIONSHIP-CALIBER BOXER, HAS --

09:44:19 16 (SPEAKING SIMULTANEOUSLY.)

09:44:19 17 MR. CESTERO: OBJECTION.

09:44:20 18 BY MR. WOLFSON:

09:44:20 19 Q. -- HAS HE?

09:44:21 20 MR. CESTERO: OBJECTION; VAGUE AS TO

09:44:22 21 TIME.

09:44:23 22 THE DEPONENT: I DON'T KNOW IF HE'S --

09:44:24 23 MR. CESTERO: MISSTATES THE WITNESS'S

09:44:26 24 TESTIMONY.

09:44:26 25 THE DEPONENT: YEAH.

kna

DEPOSITION OF GENE DEETZ

09:45:18 1 Q. AND DO YOU HAVE ANY IDEA WHY
09:45:21 2 MR. ALEXANDER IS NOT INCLUDED IN THE LIST OF
09:45:24 3 DR. KNEUPER'S CHAMPIONSHIP-CALIBER BOXERS?

09:45:29 4 MR. CESTERO: OBJECTION; ASKED AND
09:45:30 5 ANSWERED, MISSTATES THE WITNESS'S TESTIMONY.

09:45:33 6 THE DEPONENT: I -- I DON'T KNOW.
09:45:33 7 BY MR. WOLFSON:

09:45:33 8 Q. YOU HAVE NO IDEA; RIGHT?

09:45:35 9 A. RIGHT.

09:45:35 10 Q. AND YOU HAVE NO ABILITY TO OPINE ON
09:45:37 11 WHETHER IT WAS APPROPRIATE OR INAPPROPRIATE FOR
09:45:40 12 DR. KNEUPER TO EXCLUDE DEVON ALEXANDER FROM HIS LIST
09:45:45 13 OF CHAMPIONSHIP-CALIBER BOXERS; RIGHT?

09:45:47 14 A. I --

09:45:47 15 MR. CESTERO: OBJECTION. OBJECTION.
09:45:48 16 IT'S ARGUMENTATIVE, MISSTATES THE WITNESS'S
09:45:51 17 TESTIMONY.

09:45:51 18 THE DEPONENT: YEAH. I DON'T -- I
09:45:52 19 DON'T KNOW FOR -- AND WHATEVER PARTICULAR TIME HE'S
09:45:54 20 MAKING THAT DETERMINATION, WHAT -- WHO WOULD BE OR
09:45:58 21 WOULD NOT BE CHAMPIONSHIP-CALIBER.

09:46:00 22 AND AGAIN, I'VE SAID -- I KNOW I'M
09:46:02 23 REPEATING MYSELF --

09:46:03 24 BY MR. WOLFSON:

09:46:03 25 Q. UH-HUH.

DEPOSITION OF GENE DEETZ

09:47:11 1 ARGUMENTATIVE, AND IT'S VAGUE AND AMBIGUOUS.

09:47:13 2 THE DEPONENT: WELL, IF HE -- IF HE --

09:47:15 3 IF HE FOUGHT DURING THAT TIME PERIOD AND WAS IN

09:47:18 4 GOLDEN BOY'S P & L, THEN HE'S -- HE'S -- HE'S CAPTURED

09:47:21 5 IN MY ANALYSIS.

09:47:22 6 BY MR. WOLFSON:

09:47:22 7 Q. OKAY. COULD YOU LOOK AT PAGE 66 OF

09:47:24 8 DR. KNEUPER'S REPORT.

09:47:29 9 A. I'M THERE.

09:47:30 10 Q. DO YOU SEE MR. BIKA'S NAME IN THE LIST
09:47:33 11 OF U.S.-MANAGED CHAMPIONSHIP-CALIBER BOXERS?

09:47:35 12 A. AGAIN, I -- I DON'T SEE HIM. I DON'T
09:47:40 13 SEE HIM ON PAGE 66 FOR EXHIBIT 3, AND I DON'T SEE HIM
09:47:49 14 ON PAGE 70 FOR EXHIBIT 4.

09:47:51 15 Q. OKAY. SO TO YOUR UNDERSTANDING, THEN,
09:47:52 16 DR. KNEUPER HAS NOT CONCLUDED THAT MR. BIKA IS A
09:47:58 17 CHAMPIONSHIP-CALIBER BOXER?

09:47:59 18 MR. CESTERO: VAGUE AS TO TIME.

09:48:00 19 THE DEPONENT: WELL, YEAH. AGAIN, FOR
09:48:01 20 WHATEVER PARTICULAR POINT IN TIME HE'S MAKING THAT
09:48:03 21 DETERMINATION, IT DOESN'T APPEAR TO BE ON EITHER
09:48:06 22 EXHIBIT -- EXHIBIT 3 OR EXHIBIT 4 TO DR. KNEUPER'S
09:48:10 23 REPORT.

09:48:10 24 BY MR. WOLFSON:

09:48:10 25 Q. BUT YOU, SIR, DO CONCLUDE THAT

kna

DEPOSITION OF GENE DEETZ

09:59:25 1 "UNDER CONTRACT - CHAMPIONSHIP-CALIBER BOXERS" IS
09:59:26 2 5,324,589 DOLLARS; RIGHT?

09:59:31 3 A. THAT'S CORRECT.

09:59:31 4 Q. SO FROM 2014 TO 2015, THIS ROW HAS
09:59:36 5 GONE UP IN TERMS OF DOLLARS; RIGHT?

09:59:39 6 A. THAT PARTICULAR CATEGORY HAS, YES.

09:59:41 7 Q. AND THAT'S GONE UP BY APPROXIMATELY,
09:59:44 8 WELL, OVER 600,000 DOLLARS?

09:59:46 9 A. THAT'S FAIR, YES.

09:59:50 10 Q. NOW, THE 2016 METRICS, QUICK
09:59:54 11 CLARIFICATION QUESTION.

09:59:55 12 THESE NUMBERS ARE HALF-YEAR METRICS;
09:59:58 13 RIGHT?

09:59:58 14 A. THEY'RE -- THEY'RE THROUGH JUNE
09:59:59 15 30TH.

10:00:00 16 Q. OKAY. SO ALL OF THE NUMBERS HERE ARE
10:00:01 17 FROM JANUARY 1ST, 2016, THROUGH JUNE 30TH, 2016?

10:00:04 18 A. THAT'S CORRECT.

10:00:05 19 Q. AND IN YOUR REPORT, YOU ANNUALIZE 2016
10:00:09 20 BY MULTIPLYING THESE NUMBERS BY TWO; RIGHT?

10:00:12 21 A. YES, I THINK THAT'S FAIR.

10:00:13 22 Q. SO -- SO ESSENTIALLY DOUBLING THEM?

10:00:17 23 A. THAT'S CORRECT.

10:00:17 24 Q. OKAY. SO FOR 2016, YOU GO DOWN TO THE
10:00:19 25 "UNDER CONTRACT - CHAMPIONSHIP-CALIBER" ROW, YOU HAVE

kna

DEPOSITION OF GENE DEETZ

10:03:00 1 ME.

10:03:02 2 I WAS JUST MAKING THAT POINT.

10:03:03 3 Q. OKAY. ARE YOU AWARE OF OTHER FIGHTS
10:03:04 4 THAT GOLDEN BOY IS -- IS GOING TO PROMOTE THROUGH THE
10:03:06 5 END OF THE YEAR?

10:03:08 6 A. I'M NOT SPECIFICALLY AWARE, NO.

10:03:10 7 Q. HAVE YOU SEEN ANY UN -- OTHER UPDATED
10:03:12 8 P & L'S FOR THE COMPANY, BESIDES FOR THE ALVAREZ-SMITH
10:03:15 9 FIGHT?

10:03:16 10 A. I HAVE NOT.

10:03:19 11 Q. DO YOU PLAN TO INCORPORATE THE
10:03:20 12 COMPANY-WIDE UPDATED P & L INTO YOUR ANALYSIS?

10:03:24 13 A. AS I SIT HERE TODAY, I DO NOT PLAN TO
10:03:26 14 DO THAT.

10:03:27 15 Q. AND AS OF TODAY, YOU'VE NOT SEEN A
10:03:30 16 COMP- -- UPDATED COMPANY-WIDE P & L?

10:03:31 17 A. I HAVE NOT.

10:03:39 18 Q. SO THE -- FROM 2015 TO 2016,
10:03:44 19 YEAR-OVER-YEAR, UNDER YOUR ANALYSIS, THERE IS ANOTHER
10:03:49 20 INCREASE IN REVENUES GENERATED -- OR I'M SORRY --
10:03:52 21 INCOME FROM BOXING OPERATIONS GENERATED FROM
10:03:56 22 CHAMPIONSHIP-CALIBER BOXERS UNDER CONTRACT TO GOLDEN
10:03:57 23 BOY?

10:03:58 24 A. THAT'S CORRECT.

10:04:02 25 Q. NOW, IS IT YOUR UNDERSTANDING THAT THE

kna

DEPOSITION OF GENE DEETZ

10:04:04 1 LIABILITY THEORY IN THIS CASE IS THAT GOLDEN BOY HAS
10:04:07 2 BEEN PRECLUDED FROM PROMOTING BOXERS THAT ARE NOT
10:04:11 3 UNDER CONTRACT WITH GOLDEN BOY?

10:04:14 4 MR. CESTERO: OBJECTION. IT'S VAGUE
10:04:16 5 AND AMBIGUOUS.

10:04:17 6 THE DEPONENT: MY UNDERSTANDING IS
10:04:18 7 THAT, AS A PART OF THE TYING OF THE MANAGEMENT --
10:04:22 8 MANAGEMENT AND PROMOTION --
10:04:24 9 BY MR. WOLFSON:

10:04:24 10 Q. UH-HUH.

10:04:25 11 A. -- AND THE LOCKING UP OF THE T.V.
10:04:28 12 RIGHTS, THEY -- THEY HAVE NOT BEEN ABLE TO ATTRACT
10:04:30 13 AND DEVELOP NON-CHAMPIONSHIP-CALIBER BOXERS INTO
10:04:38 14 CHAMPIONSHIP-CALIBER BOXERS.

10:04:38 15 Q. AND WHY IS THAT YOUR UNDERSTANDING?

10:04:40 16 A. BECAUSE I BELIEVE THAT THAT IS
10:04:41 17 MENTIONED IN DR. KNEUPER'S REPORT.

10:04:47 18 Q. THAT THEY HAVE NOT BEEN ABLE TO
10:04:48 19 DEVELOP NON-CHAMPIONSHIP-CALIBER BOXERS INTO
10:04:52 20 CHAMPIONSHIP-CALIBER BOXERS?

10:04:53 21 A. I BELIEVE SO, YES.

10:04:54 22 Q. WHICH WOULD CONTRIBUTE TO THEIR BOTTOM
10:04:56 23 LINE BY CONTRIBUTING TO THEIR INCOME FROM BOXING
10:05:00 24 OPERATIONS TO UNDER-CONTRACT CHAMPIONSHIP-CALIBER
10:05:05 25 BOXERS?

DEPOSITION OF GENE DEETZ

10:05:05 1 MR. CESTERO: I'M SORRY.
10:05:06 2 CAN YOU READ THAT QUESTION BACK,
10:05:06 3 PLEASE.
10:05:20 4 THE DEPONENT: YEAH. THANK YOU.
10:04:54 5 (THE RECORD WAS READ AS FOLLOWS:
10:04:54 6 Q. WHICH WOULD CONTRIBUTE TO
10:04:56 7 THEIR BOTTOM LINE BY CONTRIBUTING
10:04:57 8 TO THEIR INCOME FROM BOXING
10:05:01 9 OPERATIONS TO UNDER CONTRACT
10:05:05 10 CHAMPIONSHIP-CALIBER BOXERS?)
10:05:16 11 MR. WOLFSON: THAT'S -- I'LL --
10:05:18 12 I'LL -- I'LL REPHRASE THE QUESTION.
10:05:21 13 BY MR. WOLFSON:
10:05:21 14 Q. IF -- WITH YOUR UNDERSTANDING, IF
10:05:25 15 GOLDEN BOY HAD BEEN ABLE TO DEVELOP
10:05:29 16 NON-CHAMPIONSHIP-CALIBER BOXERS INTO
10:05:33 17 CHAMPIONSHIP-CALIBER BOXERS, HOW WOULD THAT HAVE
10:05:36 18 CONTRIBUTED TO THE COMPANY'S BOTTOM LINE?
10:05:38 19 A. IT WOULD -- IT WOULD INCREASE THE --
10:05:40 20 THE BOTTOM LINE. BECAUSE THE CHAMPIONSHIP-CALIBER
10:05:42 21 BOXERS ARE THE -- THE KIND OF ECONOMIC OUTCOME OF
10:05:49 22 THE -- OF THE BUSINESS PLAN.
10:05:50 23 Q. UH-HUH.
10:05:51 24 A. SO TO THE EXTENT THAT -- THAT YOU HAVE
10:05:52 25 A YOUNG FIGHTER THAT GETS DEVELOPED AND PROMOTED AND

kna

DEPOSITION OF GENE DEETZ

10:05:57 1 BECOMES A CHAMPIONSHIP-CALIBER BOXER, THEN THEY'RE --
10:05:59 2 THEY'RE IN A POSITION TO MAKE -- MAKE MONEY FOR THE
10:06:03 3 PROMOTION -- FOR THE PROMOTER.

10:06:04 4 Q. SO IN -- IN YOUR EXHIBIT 3, THAT WOULD
10:06:07 5 CONTRIBUTE TO THE INCOME FROM BOXING OPERATIONS IN
10:06:10 6 THE ROW FOR "UNDER CONTRACT - CHAMPIONSHIP-CALIBER";
10:06:13 7 RIGHT?

10:06:22 8 A. IT WOULD CONTRIBUTE -- IT WOULD
10:06:23 9 CONTRIBUTE TO -- IT WOULD CONTRIBUTE TO ALL -- IT
10:06:23 10 WOULD BE A PART OF AND CONTRIBUTE TO ALL OF THE
10:06:25 11 ROWS.

10:06:28 12 Q. WHY IS THAT?

10:06:29 13 A. WELL, BECAUSE THEY ARE PROMOTING --
10:06:31 14 THESE FIGHTS ARE ALL FIGHTS THAT GOLDEN BOY PROMOTED
10:06:34 15 OR SOMEHOW HAS IN THEIR P & L. AND SO THAT WOULD --
10:06:38 16 THAT WOULD BE A PART OF -- THEIR OVERALL BUSINESS IS
10:06:43 17 TO -- TO DEVELOP AND PROMOTE FIGHTERS.

10:06:46 18 Q. AND THOSE WOULD BE FIGHTERS THAT ARE
10:06:48 19 UNDER CONTRACT TO THEM?

10:06:50 20 MR. CESTERO: OBJECTION; MISSTATES THE
10:06:51 21 WITNESS'S TESTIMONY, AND --

10:06:52 22 THE DEPONENT: YEAH. I DON'T --

10:06:52 23 MR. CESTERO: -- IT MISSTATES THE
10:06:54 24 DOCUMENT.

10:06:55 25 GO AHEAD.

kna

DEPOSITION OF GENE DEETZ

10:08:39 1 MR. CESTERO: OBJECTION. THAT'S VAGUE
10:08:41 2 AND AMBIGUOUS.

10:08:41 3 BY MR. WOLFSON:

10:08:41 4 Q. -- IN 2015 AND 2016?

10:08:43 5 MR. CESTERO: IT'S STILL VAGUE AND
10:08:44 6 AMBIGUOUS.

10:08:48 7 THE DEPONENT: I DON'T KNOW THAT I
10:08:49 8 HAVE A SPECIFIC UNDERSTANDING AS TO ANY PARTICULAR
10:08:50 9 FIGHT CARD, AND WHO THE FIGHTERS WOULD BE ON THAT.

10:08:53 10 BUT AS A DERIVATIVE OF DOCTORS
10:08:57 11 KNEUPER'S -- DR. KNEUPER'S OPINION ON THE
10:08:59 12 ANTICOMPETITIVE BEHAVIOR, THEY'RE UNABLE TO -- TO
10:09:01 13 ATTRACT CHAMPIONSHIP-CALIBER FIGHTERS, EITHER UNDER
10:09:04 14 CONTRACT OR OTHERWISE.

10:09:07 15 AND ALSO -- AND ALSO HAVE BEEN IMPEDED
10:09:11 16 FROM THEIR BUSINESS PLAN, WHICH IS TO DEVELOP
10:09:13 17 FIGHTERS FROM NON-CHAMPIONSHIP CALIBER TO
10:09:16 18 CHAMPIONSHIP-CALIBER.

10:09:21 19 BY MR. WOLFSON:

10:09:21 20 Q. IS IT YOUR OPINION IN THIS CASE THAT
10:09:22 21 GOLDEN BOY HAS BEEN DAMAGED FROM ITS INABILITY TO
10:09:28 22 OBTAIN INCOME FROM CHAMPIONSHIP-CALIBER BOXERS THAT
10:09:30 23 ARE NOT UNDER CONTRACT FROM -- WITH GOLDEN BOY?

10:09:33 24 MR. CESTERO: OBJECTION. IT'S VAGUE
10:09:34 25 AND AMBIGUOUS.

kna

DEPOSITION OF GENE DEETZ

10:09:35 1 IF YOU UNDERSTAND IT, YOU CAN ANSWER

10:09:36 2 IT.

10:09:36 3 THE DEPONENT: YEAH. IT IS.

10:09:37 4 BY MR. WOLFSON:

10:09:37 5 Q. OKAY. AND WHAT IS YOUR BASIS FOR
10:09:43 6 CLAIMING THOSE ARE DAMAGES TO GOLDEN BOY UNDER WHAT
10:09:45 7 YOU UNDERSTAND IS THEIR LIABILITY THEORY?

10:09:47 8 MR. CESTERO: I'M SORRY. CAN YOU READ
10:09:48 9 THAT QUESTION BACK, PLEASE.

10:09:37 10 (THE RECORD WAS READ AS FOLLOWS:

10:09:37 11 Q. OKAY. AND WHAT IS YOUR
10:09:41 12 BASIS FOR CLAIMING THOSE ARE
10:09:44 13 DAMAGES TO GOLDEN BOY UNDER WHAT
10:09:45 14 YOU UNDERSTAND IS THEIR LIABILITY
10:09:47 15 THEORY?)

10:09:58 16 MR. CESTERO: OBJECTION. IT'S VAGUE
10:10:00 17 AND AMBIGUOUS.

10:10:01 18 IF YOU UNDERSTAND IT, YOU CAN ANSWER
10:10:02 19 IT.

10:10:02 20 THE DEPONENT: WELL, MY -- MY
10:10:03 21 CALCULATION AND MY BASIS FOR DAMAGES INCLUDES ALL
10:10:05 22 CHAMPIONSHIP-CALIBER, REGARDLESS OF CONTRACT OR NO
10:10:08 23 CONTRACT, AS WELL AS THE COST OF THE LOSSES ON THE
10:10:12 24 NON-CHAMPIONSHIP-CALIBER BOXERS.

10:10:19 25 AND THE -- AND THE BASIS FOR THAT IS

kna

DEPOSITION OF GENE DEETZ

10:13:15 1 MR. CESTERO: WELL, OBJECTION. IT'S
10:13:16 2 VAGUE AND AMBIGUOUS.

10:13:19 3 THE DEPONENT: YEAH. I DON'T -- I
10:13:20 4 DON'T RECALL THE SPECIFIC DOCUMENTATION UNDERNEATH
10:13:22 5 THE -- ANY PARTICULAR FIGHT THAT WAS A
10:13:25 6 NON-GOLDEN-BOY-CONTRACT FIGHTER.

10:13:28 7 BY MR. WOLFSON:

10:13:28 8 Q. UH-HUH.

10:13:29 9 A. BUT I -- BUT WHAT DROVE THE ANALYSIS
10:13:31 10 IS THE -- THE FACT THAT THAT NON-CONTRACT FIGHTER --
10:13:35 11 NON-GOLDEN-BOY-CONTRACT FIGHTER SHOWS UP IN THE
10:13:38 12 GOLDEN BOY P & L.

10:13:41 13 Q. SO, FOR EXAMPLE, IN YOUR 2014 DETAIL,
10:13:47 14 YOU HAVE FLOYD MAYWEATHER CONTRIBUTING 2.2 MILLION TO
10:13:55 15 GOLDEN BOY'S OPERATING INCOME FOR THE YEAR?

10:13:58 16 MR. CESTERO: OH, IS THAT REALLY WHAT
10:13:58 17 THAT SAYS?

10:14:00 18 THE DEPONENT: IT IS.

10:14:01 19 MR. CESTERO: DOES IT SAY "2.2
10:14:02 20 MILLION"?

10:14:03 21 THE DEPONENT: IT'S THE -- IT'S THE
10:14:03 22 SECOND LINE, AND IT'S 2.216, I BELIEVE. AND --

10:14:05 23 MR. CESTERO: OKAY.

10:14:06 24 THE DEPONENT: AND SO THE WAY -- WELL,
10:14:07 25 I'M SURE YOU KNOW THIS --

DEPOSITION OF GENE DEETZ

10:14:10 1 BY MR. WOLFSON:

10:14:10 2 Q. YEAH.

10:14:10 3 A. -- BUT THE WAY TO THINK ABOUT THAT

10:14:11 4 IS -- YEAH, THAT IS INCLUDED IN THE 5,518,765 ON PAGE

10:14:16 5 1.

10:14:16 6 Q. OKAY. SO YOU TAKE AWAY FLOYD

10:14:18 7 MAYWEATHER FROM THAT ROW, AND THE 5.5 NUMBER GOES

10:14:23 8 DOWN TO -- GOES DOWN BY 2.2 MILLION?

10:14:26 9 A. RIGHT. IT BECOMES 3.3 MILLION.

10:14:29 10 Q. OKAY.

10:14:30 11 A. THAT'S CORRECT.

10:14:34 12 Q. AND A -- MARCOS MAIDANA,

10:14:37 13 HE CONTRIBUTED 646,525 DOLLARS TO GOLDEN BOY'S 2014

10:14:45 14 OPERATING INCOME?

10:14:46 15 A. THAT'S CORRECT.

10:14:51 16 Q. AND SO YOU WOULD -- IF YOU TOOK OUT

10:14:53 17 MR. MAIDANA'S CONTRIBUTION FROM 2014, YOU WOULD

10:14:57 18 SUBTRACT 646,000 FROM THE 5.5 MILLION; RIGHT?

10:15:01 19 A. THAT'S RIGHT. AND YOU COULD LITERALLY

10:15:03 20 SORT THIS WORKBOOK TO SEE LITERALLY EACH -- EACH AND

10:15:06 21 EVERY FIGHTER --

10:15:07 22 Q. UH-HUH.

10:15:07 23 A. -- THAT MADE THAT 5.5 MILLION.

10:15:09 24 Q. NOW, IS IT YOUR OPINION THAT GOLDEN

10:15:17 25 BOY HAS BEEN PRECLUDED FROM DERIVING INCOME FROM THE

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kna

Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

10:16:26 1 A. THAT'S CORRECT.

10:16:27 2 Q. AND THEN IN 2015, MR. MAYWEATHER HAD

10:16:31 3 HIS RETIREMENT FIGHT AGAINST MANNY PACQUIAO; RIGHT?

10:16:36 4 MR. CESTERO: OBJECTION. THAT ASSUMES

10:16:37 5 FACTS, AND MISSTATES --

10:16:37 6 THE DEPONENT: THE ONLY REASON --

10:16:38 7 MR. CESTERO: -- THE EVIDENCE.

10:16:38 8 THE DEPONENT: THE ONLY REASON I'M

10:16:39 9 GOING TO SAY HE FOUGHT HIM -- I KNOW HE FOUGHT HIM IN

10:16:42 10 '15. I DON'T KNOWN IF IT WAS HIS RETIREMENT OR NOT,

10:16:45 11 BUT I KNOW HE FOUGHT MR. PACQUIAO IN '15.

10:16:49 12 BY MR. WOLFSON:

10:16:49 13 Q. OKAY. IS -- HAVE YOU SEEN ANYTHING IN

10:16:50 14 DR. KNEUPER'S REPORT SUGGESTING THAT FLOYD MAYWEATHER

10:16:54 15 CHOSE A DIFFERENT PROMOTER FOR THAT FIGHT DUE TO

10:16:59 16 ANTICOMPETITIVE ACTIVITIES HERE?

10:17:01 17 A. I DON'T RECALL SPECIFICALLY WHETHER HE

10:17:01 18 MENTIONS THAT OR NOT. I DON'T HAVE A SPECIFIC

10:17:04 19 RECOLLECTION THAT HE DOES.

10:17:06 20 Q. ARE YOU AWARE THAT THE FLOYD

10:17:08 21 MAYWEATHER AND MANNY PACQUIAO FIGHT IN 2015 WAS

10:17:13 22 PROMOTED BY A COMPANY CALLED TOP RANK?

10:17:16 23 MR. CESTERO: OBJECTION. THAT

10:17:16 24 MISSTATES --

10:17:16 25 THE DEPONENT: I -- I --

DEPOSITION OF GENE DEETZ

10:17:17 1 MR. CESTERO: ASSUMES FACTS, AND
10:17:18 2 MISSTATES THE RECORD.

10:17:20 3 THE DEPONENT: IT -- IT -- I'M AWARE
10:17:21 4 THAT THAT FIGHT IS NOT IN THE GOLDEN BOY P & L FOR
10:17:24 5 2015. SO I WOULD ASSUME IT WAS PROMOTED BY SOMEBODY,
10:17:26 6 ELSE BECAUSE IT'S NOT IN GOLDEN BOY'S P & L.
10:17:29 7 BY MR. WOLFSON:

10:17:29 8 Q. OKAY. AND IF TOP RANK PROMOTED OR
10:17:30 9 CO-PROMOTED THAT FIGHT, YOU HAVE NO OPINION WHETHER
10:17:33 10 THAT WAS ANTICOMPETITIVE OR NOT, DO YOU?

10:17:40 11 MR. CESTERO: OBJECTION. THAT'S VAGUE
10:17:41 12 AND AMBIGUOUS.

10:17:41 13 THE DEPONENT: YEAH. AGAIN, MY -- MY
10:17:41 14 OPINION FLOWS FROM MR. KNEUPER, AND THAT'S MY
10:17:43 15 ASSUMPTION.

10:17:44 16 BY MR. WOLFSON:

10:17:44 17 Q. OKAY. ARE YOU -- HAVE YOU SEEN ANY
10:17:46 18 DISCUSSION OF WHAT IS A, QUOTE, "LEGITIMATE PROMOTER"
10:17:49 19 IN THE BOXING INDUSTRY IN THIS CASE?

10:17:51 20 MR. CESTERO: OBJECTION. IT'S VAGUE
10:17:57 21 AND AMBIGUOUS.

10:17:58 22 THE DEPONENT: I -- I DON'T RECALL, AS
10:17:58 23 YOU SAID, QUOTE, "LEGITIMATE PROMOTER."

10:18:02 24 I DO RECALL VERY VAGUELY AND GENERALLY
10:18:04 25 THAT THAT'S DISCUSSED -- OR SOMETHING SIMILAR TO THAT

kna

DEPOSITION OF GENE DEETZ

10:18:07 1 MIGHT BE DISCUSSED -- IN THE -- DR. KNEUPER'S REPORT
10:18:09 2 AND MR. SHAW'S REPORT.
10:18:11 3 BY MR. WOLFSON:

10:18:11 4 Q. AND IF TOP RANK EARNED THE MONEY OFF
10:18:18 5 OF PROMOTING OR CO-PROMOTING THE MAYWEATHER-PACQUIAO
10:18:25 6 FIGHT, IS IT YOUR OPINION THAT THAT DAMAGED GOLDEN
10:18:27 7 BOY, SUCH THAT HAYMON DEFENDANTS SHOULD PAY GOLDEN
10:18:30 8 BOY DAMAGES?

10:18:32 9 MR. CESTERO: OBJECTION. THAT'S VAGUE
10:18:34 10 AND AMBIGUOUS, MISSTATES THE WITNESS'S TESTIMONY.
10:18:38 11 THE DEPONENT: LET ME MAKE SURE I
10:18:39 12 UNDERSTAND THE QUESTION. I THINK THE ANSWER TO THAT
10:18:41 13 IS NO, BUT LET ME GIVE YOU WHAT I DID IN FRAMING
10:18:45 14 THAT.

10:18:46 15 SO MY DAMAGES CALCULATION LOOKS AT
10:18:48 16 ONLY THOSE ITEMS THAT ARE IN THE GOLDEN BOY P & L AND
10:18:53 17 COMPARES THOSE YEAR-OVER-YEAR.

10:18:55 18 SO IT DOESN'T INCLUDE ANOTHER FIGHT
10:18:56 19 THAT DIDN'T HAPPEN IN THE GOLDEN BOY P & L.

10:18:59 20 SO I THINK THE ANSWER TO YOUR QUESTION
10:19:00 21 WAS NO, IF I UNDERSTOOD IT CORRECTLY.

10:19:02 22 BY MR. WOLFSON:

10:19:02 23 Q. OKAY. SO HAVE -- DID YOU ANALYZE AT
10:19:03 24 ALL IN YOUR DAMAGES ANALYSIS WHAT IMPACT FLOYD
10:19:08 25 MAYWEATHER'S CHOICE TO GO WITH A DIFFERENT BOXING

DEPOSITION OF GENE DEETZ

10:19:11 1 PROMOTER HAD ON THE GOLDEN BOY'S P & L?

10:19:14 2 MR. CESTERO: OBJECTION. THAT ASSUMES

10:19:17 3 FACTS, MISSTATES THE RECORD.

10:19:18 4 THE DEPONENT: WELL, MY ANALYSIS -- MY

10:19:20 5 ANALYSIS INCORPORATES THE 2000 -- JUST STICKING WITH

10:19:22 6 MR. MAYWEATHER, MY ANALYSIS INCORPORATES IN 2014, THE

10:19:27 7 OPERATING AND ALL OF THE COMPONENTS OF P & L, BUT THEN

10:19:30 8 FOR PURPOSES OF DISCUSSING THE OPERATING INCOME,

10:19:34 9 INCLUDES THE OPERATING INCOME FORM THE 2014

10:19:37 10 MAYWEATHER FIGHTS THAT WERE IN THE -- THE GOLDEN BOY

10:19:40 11 P & L.

10:19:41 12 SO IT -- IT -- IT INCORPORATES THAT

10:19:43 13 AND IT LEAVES THAT -- THAT OPERATING INCOME IN MY

10:19:45 14 COMPARISON.

10:19:46 15 BY MR. WOLFSON:

10:19:46 16 Q. OKAY. AND DID YOU TRY TO CONTROL FOR

10:19:49 17 MR. MAYWEATHER'S DECISION TO GO WITH A DIFFERENT

10:19:52 18 BOXING PROMOTER AS TO WHAT EFFECT THAT WOULD HAVE ON

10:19:55 19 GOLDEN BOY'S FINANCES?

10:19:56 20 A. WELL --

10:19:56 21 MR. CESTERO: OBJECTION. IT'S VAGUE

10:19:58 22 AND AMBIGUOUS.

10:19:58 23 THE DEPONENT: WELL, I DID -- I DID

10:19:59 24 CONSIDER IT. AND A COUPLE OF THINGS ON THAT.

10:20:05 25 ONE, IN MY REPORT I POINT OUT IN 2013,

DEPOSITION OF GENE DEETZ

10:24:26 1 FROM, AGAIN, DR. KNEUPER'S LIABILITY THEORY, THAT
10:24:29 2 WE'VE GOT TYING OF THE PROMOTION AND MANAGEMENT AND
10:24:32 3 THE LOCKUP OF THE T.V. THAT'S IMPACTED THEIR BUSINESS
10:24:35 4 PLAN.

10:24:36 5 AND THAT'S THE BASIS FOR THAT
10:24:37 6 ASSUMPTION.

10:24:38 7 Q. DID YOU ANALYZE WHETHER FIGHTERS THAT
10:24:39 8 YOU HAVE NOW CHARACTERIZED AS CHAMPIONSHIP-CALIBER
10:24:44 9 BOXERS IN YOUR UPDATED EXHIBIT 3 UNDER DR. KNEUPER'S
10:24:48 10 CRITERIA SUDDENLY TURNED INTO
10:24:50 11 NON-CHAMPIONSHIP-CALIBER BOXERS IN 2015?

10:24:53 12 MR. CESTERO: OBJECTION. IT'S VAGUE
10:24:55 13 AND AMBIGUOUS.

10:24:55 14 THE DEPONENT: AND, I'M SORRY. COULD
10:24:55 15 I HAVE THE QUESTION BACK, PLEASE?
10:24:58 16 BY MR. WOLFSON:

10:24:58 17 Q. I'LL ASK IT IN PARTS.
10:25:00 18 YOU SAID THAT YOU APPLIED
10:25:01 19 DR. KNEUPER'S CRITERIA TO RUN YOUR ANALYSIS TO
10:25:04 20 DETERMINE WHO WAS CHAMPIONSHIP-CALIBER BOXERS IN
10:25:08 21 2014; RIGHT?

10:25:09 22 A. THAT'S A --

10:25:10 23 MR. CESTERO: WELL, I THINK THAT
10:25:10 24 MISSTATES HIS TESTIMONY, AND MISSTATES --

10:25:12 25 THE DEPONENT: I APPLIED HIS --

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DEPOSITION OF GENE DEETZ

10:25:13 1 MR. CESTERO: -- THE DOCUMENT.
10:25:15 2 THE DEPONENT: I'M -- I'M SORRY.
10:25:16 3 MR. CESTERO: GO AHEAD.
10:25:16 4 THE DEPONENT: I APPLIED DR. KNEUPER'S
10:25:18 5 CRITERIA TO THE FIGHTERS IN 2014 TO MAKE THE
10:25:20 6 DETERMINATION OF WHO WAS CHAMPIONSHIP-CALIBER AND NOT
10:25:22 7 CHAMPIONSHIP-CALIBER.
10:25:24 8 BY MR. WOLFSON:
10:25:24 9 Q. DID YOU THEN RUN THAT SAME ANALYSIS ON
10:25:27 10 THOSE SAME FIGHTERS FOR 2015 TO DETERMINE WHETHER
10:25:30 11 THEY WERE STILL CONSIDERED CHAMPIONSHIP-CALIBER
10:25:32 12 BOXERS?
10:25:34 13 MR. CESTERO: RE- -- REGARDLESS OF
10:25:34 14 WHETHER THEY APPEARED ON GOLDEN BOY'S P & L; IS THAT --
10:25:37 15 MR. WOLFSON: YES.
10:25:38 16 MR. CESTERO: -- YOUR QUESTION?
10:25:38 17 OKAY.
10:25:39 18 THE DEPONENT: TO THE EXTENT THEY'RE
10:25:40 19 IN GOLDEN BOY'S P & L, I DID. TO THE EXTENT THAT
10:25:42 20 THEY'RE NOT IN GOLDEN BOY'S P & L, I DID NOT.
10:25:45 21 BY MR. WOLFSON:
10:25:45 22 Q. SO YOU DON'T KNOW WHETHER THOSE BOXERS
10:25:49 23 FOUGHT FOR OTHER PROMOTERS IN 2015 OR 2016?
10:25:55 24 MR. CESTERO: WELL, OBJECTION. I
10:25:55 25 THINK THAT MISSTATES THE WITNESS'S TESTIMONY.

DEPOSITION OF GENE DEETZ

10:25:57 1 THE DEPONENT: I -- I MAY HAVE SOME
10:25:58 2 INFORMATION ABOUT THAT.
10:25:59 3 BUT AS I SIT HERE TODAY, I DID NOT DO
10:26:01 4 AN ANALYSIS OF THE FIGHTERS THAT -- THAT HAD LEFT THE
10:26:06 5 P & L, SO TO SPEAK, AND WHETHER THEY WERE CHAMPIONSHIP
10:26:09 6 OR NON-CHAMPIONSHIP CALIBER AFTER THEY -- AFTER THEY
10:26:11 7 WERE NO LONGER IN GOLDEN BOY'S P & L.
10:26:13 8 BY MR. WOLFSON:
10:26:13 9 Q. NOW, YOU'VE SAID "FIGHTERS HAVE LEFT
10:26:16 10 THE P & L." YOU MENTION THERE WERE 400-SOME-ODD
10:26:19 11 FIGHTERS ON THE '14 P & L?
10:26:22 12 A. YEAH. UNIQUELY, IT'S EXACTLY 400.
10:26:24 13 Q. OKAY. AND THEN THERE WERE LESS
10:26:25 14 FIGHTERS ON THE 2015 P & L?
10:26:27 15 A. 243.
10:26:28 16 Q. AND LESS FIGHTERS ON THE 2016 P & L?
10:26:31 17 A. AT JUNE 30TH, 155.
10:26:34 18 Q. HAVE YOU ANALYZED HOW MANY FIGHTERS
10:26:37 19 WERE UNDER CONTRACT TO GOLDEN BOY AS WE'VE DEFINED
10:26:38 20 "CONTRACT" HERE TODAY?
10:26:39 21 A. YES.
10:26:40 22 MR. CESTERO: IN EACH -- IN EACH OF
10:26:40 23 THOSE YEARS?
10:26:41 24 MR. WOLFSON: IN EACH OF THOSE YEARS,
10:26:41 25 YES.

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

10:45:36 1 THE DEPONENT: YEAH. AGAIN, AND I'M
10:45:37 2 SORRY. I KNOW I'M REPEATING MYSELF ON ALL THESE
10:45:39 3 QUESTIONS.

10:45:40 4 AGAIN, IT FLOWS FROM DR. KNEUPER'S
10:45:43 5 LIABILITY THEORY.

10:45:45 6 IT DOES CONTAIN -- IT DOES CONTAIN A
10:45:45 7 FIGHTER-BY-FIGHTER, FIGHT-BY-FIGHT ANALYSIS FOR EVERY
10:45:49 8 FIGHT FROM '15 -- '14, '15, AND '16, BUT IT FLOWS IN
10:45:53 9 TOTAL FROM HIS LIABILITY THEORY.

10:45:54 10 BY MR. WOLFSON:

10:45:54 11 Q. DOES YOUR DAMAGES ANALYSIS, THOUGH,
10:45:56 12 PICK OUT SPECIFIC BOXERS THAT GOLDEN BOY CLAIMS IT
10:46:01 13 WAS TIED OUT OR PREVENTED FROM PROMOTING?

10:46:04 14 MR. CESTERO: OBJECTION. THE -- THE
10:46:05 15 REPORT SPEAKS FOR ITSELF. IT'S VAGUE AND
10:46:07 16 AMBIGUOUS.

10:46:11 17 THE DEPONENT: IT -- IT -- IT SHOWS
10:46:11 18 ALL. I THINK THE ANSWER IS IT DOESN'T, BUT LET ME
10:46:15 19 JUST SAY WHAT IT DOES SHOW TO -- TO MAKE SURE.

10:46:18 20 I HAVE EVERY FIGHTER THAT'S IN GOLDEN
10:46:20 21 BOY'S P & L FOR ALL THREE PERIODS AND THE REVENUE,
10:46:24 22 WHERE LOST, GENERATED ON A FIGHT-BY-FIGHT,
10:46:25 23 FIGHTER-BY-FIGHTER BASIS.

10:46:26 24 SO THOSE WOULD BE THE FIGHTS THAT THEY
10:46:26 25 DID FIGHT IN, AND IT DOESN'T CONTAIN ANY OTHER

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DEPOSITION OF GENE DEETZ

10:46:30 1 ANALYSIS BUT THAT.

10:46:31 2 BY MR. WOLFSON:

10:46:31 3 Q. DOES YOUR ANALYSIS HAVE ANY ABILITY TO
10:46:34 4 ANALYZE THE PROFITS LOST FROM NOT BEING ABLE TO
10:46:38 5 PROMOTE SEAN PORTER?

10:46:40 6 MR. CESTERO: OBJECTION. IT'S VAGUE
10:46:54 7 AND AMBIGUOUS.

10:46:54 8 THE DEPONENT: I'M GOING TO GIVE YOU
10:46:55 9 A -- A -- A -- A GENERAL ANSWER, AGAIN, WHAT IT DOES.

10:46:57 10 I DON'T KNOW ANY SPECIFIC FIGHT THAT
10:46:58 11 MR. PORTER WAS IN OR WASN'T IN, BUT LET ME GIVE YOU A
10:47:02 12 MORE GENERAL -- GENERAL ANSWER.

10:47:04 13 TO THE EXTENT THERE'S A FIGHTER IN ANY
10:47:05 14 CATEGORY IN 2014 THAT EITHER FIGHTS OR DOESN'T FIGHT
10:47:10 15 IN 2015 --

10:47:11 16 BY MR. WOLFSON:

10:47:11 17 Q. UH-HUH.

10:47:12 18 A. -- THAT COMPARISON EITHER TO AN
10:47:15 19 OPERATING PROFIT BY FIGHTER IN '14 TO EITHER ZERO OR
10:47:19 20 SOME OTHER NUMBER IN '15 IS EMBEDDED IN THAT
10:47:21 21 ANALYSIS.

10:47:22 22 SO YOU COULD LITERALLY LOOK AND SEE
10:47:25 23 AS A SUBSET OF MY DAMAGES CALCULATION ON A
10:47:29 24 FIGHTER-BY-FIGHTER BASIS WHAT THEY CONTRIBUTED OR --
10:47:32 25 OR DIDN'T CONTRIBUTE TO THE DAMAGE CALCULATION.

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

10:48:33 1 PAPER AND LAY ALL OF THIS OUT FIGHTER-BY-FIGHTER," IT
10:48:36 2 COULD STILL ADD UP TO THESE SAME TOTALS.

10:48:40 3 BUT FOR PURPOSES OF THE ARITHMETIC,
10:48:42 4 I'VE -- I'VE DONE OFF THE TOTALS FOR EACH PERIOD.

10:48:46 5 Q. OKAY. AND IF GOLDEN BOY, THE
10:48:47 6 PLAINTIFFS IN THIS CASE, CLAIMS THAT THEY HAVE ONLY
10:48:50 7 BEEN TIED OUT FROM FIVE BOXERS, WOULD YOUR DAMAGES
10:48:54 8 ANALYSIS THEN HAVE TO BE REDUCED TO JUST THOSE FIVE
10:48:58 9 BOXERS FOR THE LOST PROFITS ON THOSE?

10:49:00 10 MR. CESTERO: OBJECTION. IT'S AN
10:49:04 11 INCOMPLETE HYPOTHETICAL. IT ASSUMES FACTS NOT IN
10:49:05 12 EVIDENCE. IT'S VAGUE AND AMBIGUOUS, AND IT'S CALLS
10:49:06 13 FOR A LEGAL CONCLUSION.

10:49:08 14 THE DEPONENT: YEAH. I'VE -- I'VE --
10:49:09 15 I HAVE -- MY REPORT FLOWS TOTALLY FROM DR. KNEUPER,
10:49:13 16 AND I HAVEN'T CONSIDERED ANY OTHER -- ANY OTHER
10:49:16 17 ANALYSIS.

10:49:17 18 BY MR. WOLFSON:

10:49:17 19 Q. HAVE YOU REVIEWED ANY DISCOVERY
10:49:19 20 RESPONSES FROM THE PLAINTIFFS IN THIS CASE?

10:49:24 21 A. I HAVE PROBABLY LOOKED AT THEM. BUT
10:49:26 22 AS I SIT HERE TODAY, I DON'T HAVE ANY SPECIFIC
10:49:29 23 RECOLLECTION OF ANY PARTICULAR RESPONSE.

10:49:33 24 BUT I -- IF THEY'RE LISTED IN MY
10:49:37 25 "MATERIALS RELIED UPON," I CERTAIN REVIEWED THEM AT

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DEPOSITION OF GENE DEETZ

10:49:39 1 SOME POINT, BUT I DON'T RECALL ANY PARTICULAR
10:49:41 2 RESPONSE.
10:49:42 3 Q. OKAY. AND IF THEY'RE NOT LISTED IN
10:49:44 4 THERE, YOU DID NOT LOOK AT THEM?
10:49:47 5 A. THAT'S CORRECT.
10:50:09 6 Q. OKAY. BUT IF THEY ARE LISTED, THEN
10:50:10 7 YOU DID REVIEW THEM?
10:50:11 8 A. THAT'S CORRECT.
10:50:11 9 Q. AND IF YOU HAD SEEN IN THERE
10:50:12 10 INFORMATION THAT PLAINTIFFS WERE ONLY CLAIMING THAT
10:50:14 11 THEY HAD BEEN TIED OUT FROM ACTUALLY FOUR PARTICULAR
10:50:17 12 BOXERS, HOW WOULD THAT HAVE AFFECTED THE WAY THAT YOU
10:50:20 13 CONDUCTED YOUR DAMAGES ANALYSIS?
10:50:22 14 A. IT --
10:50:23 15 MR. CESTERO: OBJECTION. IT'S AN
10:50:24 16 INCOMPLETE HYPOTHETICAL. IT MISSTATES THE RECORD.
10:50:26 17 IT ASSUMES FACTS NOT IN EVIDENCE, AND IT'S VAGUE AND
10:50:28 18 AMBIGUOUS.
10:50:28 19 THE DEPONENT: OKAY. IT -- IT -- IT
10:50:29 20 WOULDN'T. MY ANALYSIS FLOWS FROM DR. KNEUPER'S
10:50:33 21 OPINION.
10:50:34 22 BY MR. WOLFSON:
10:50:34 23 Q. OKAY. SO IF YOU LOOK AT PAGE -- IF GO
10:50:35 24 TO YOUR REPORT, IT'S GOING TO BE THE -- AND THIS IS,
10:50:42 25 WHAT, EXHIBIT 73? -- IT'S GOING TO BE THE BOLDED PAGE

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DEPOSITION OF GENE DEETZ

10:50:45 1 120 ON THE BOTTOM RIGHT THERE.

10:50:57 2 A. I SEE THAT.

10:50:57 3 Q. OKAY. DO YOU SEE WHERE IT SAYS

10:50:58 4 "PLAINTIFFS' SUPPLEMENTAL RESPONSES TO DEFENDANTS,

10:50:59 5 HAYMON SPORTS, L.L.C., FIRST SET OF INTERROGATORIES?

10:51:00 6 AND THIS WOULD BE THE LAST ONE OF

10:51:03 7 THE -- OF THE BIG THICK ENTRIES FOR -- DATED AUGUST

10:51:05 8 25TH, 2016.

10:51:07 9 A. I SEE THAT.

10:51:07 10 Q. SO YOU DID REVIEW THAT --

10:51:08 11 A. I DID --

10:51:08 12 Q. -- FOR YOUR REPORT?

10:51:09 13 A. I WOULD HAVE LOOKED AT THAT, YES.

10:51:11 14 Q. OKAY. AND IF THERE WAS A STATEMENT IN

10:51:13 15 THERE THAT THE PLAINTIFFS' CONTEND THEY'VE ONLY BEEN

10:51:21 16 PRECLUDED FROM ENTERING PROMOTIONAL CONTRACTS WITH

10:51:24 17 FOUR BOXERS, HOW DOES THAT AFFECT YOUR DAMAGES

10:51:27 18 ANALYSIS AT ALL, OR IF --

10:51:28 19 MR. CESTERO: IT'S IN --

10:51:28 20 BY MR. WOLFSON:

10:51:28 21 Q. -- AT ALL?

10:51:30 22 MR. CESTERO: INCOMPLETE HYPOTHETICAL,

10:51:30 23 MISSTATES THE DOCUMENT. IT ASSUMES FACTS NOT IN

10:51:31 24 EVIDENCE. IT'S A MISREPRESENTATION OF THE RECORD.

10:51:35 25 THE DEPONENT: IT -- IT -- IT DOESN'T

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DEPOSITION OF GENE DEETZ

10:51:36 1 IMPACT IT.

10:51:38 2 BY MR. WOLFSON:

10:51:38 3 Q. NOT AT ALL?

10:51:38 4 A. NOT AT ALL.

10:51:39 5 Q. OKAY. AND IF THE EVIDENCE SHOWS THAT

10:51:52 6 THE PLAINTIFFS WERE OFFERED A TIME BUY ON FOX

10:51:57 7 DEPORTES IN 2015 BUT TURNED THAT DOWN, HOW DOES THAT

10:52:01 8 AFFECT YOUR DAMAGES ANALYSIS?

10:52:02 9 MR. CESTERO: OBJECTION; ASSUMES FACTS

10:52:03 10 NOT IN EVIDENCE, MISSTATES THE RECORD. IT'S AN

10:52:08 11 INCOMPLETE HYPOTHETICAL.

10:52:09 12 YOU CAN ANSWER.

10:52:10 13 THE DEPONENT: OKAY. AND IT -- IT

10:52:11 14 WOULDN'T. MY -- MY -- MY DAMAGE OPINIONS FLOWS FROM

10:52:15 15 DR. KNEUPER'S LIABILITY --

10:52:17 16 BY MR. WOLFSON:

10:52:17 17 Q. OKAY.

10:52:17 18 A. -- OPINION.

10:52:18 19 Q. AND -- AND PART OF YOUR OPINION IS

10:52:20 20 THAT THE -- WELL -- IS THAT DEFENDANTS HAVE BEEN --

10:52:24 21 OR, I'M SORRY -- PLAINTIFFS HAVE BEEN PRECLUDED FROM

10:52:29 22 PROMOTING SHOWS ON, FOR EXAMPLE, FOX NETWORKS; RIGHT?

10:52:31 23 MR. CESTERO: I'M SORRY.

10:52:32 24 CAN YOU REPEAT THE QUESTION? READ THE

10:52:33 25 QUESTION BACK.

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

10:52:33 1

THANK YOU.

10:52:18 2

(THE RECORD WAS READ AS FOLLOWS:

10:52:18 3

Q. AND PART OF YOUR OPINION

10:52:19 4

IS THAT THE DEFENDANTS -- SORRY --

10:52:24 5

PLAINTIFFS HAVE BEEN PRECLUDED

10:52:28 6

FROM PROMOTING SHOWS ON, FOR

10:52:30 7

EXAMPLE, FOX NETWORKS?)

10:52:46 8

MR. CESTERO: YOU CAN ANSWER.

10:52:47 9

THE DEPONENT: YEAH. I DON'T THINK

10:52:47 10

THAT'S PART OF MY OPINION, BUT I THINK THAT FLOWS

10:52:49 11

FROM DR. KNEUPER'S OPINION TO MY DAMAGE

10:52:52 12

CALCULATION.

10:52:52 13

BY MR. WOLFSON:

10:52:52 14

Q. AND PART OF YOUR DAMAGE CALCULATION IS

10:52:54 15

THEIR INABILITY UNDER WHAT DR. KNEUPER'S ASSUMES

10:52:57 16

THEIR INABILITY TO PROMOTE SHOWS ON FOX NETWORKS?

10:53:05 17

A. THE ONLY REASON I'M GOING TO UNPACK

10:53:07 18

THAT A LITTLE BIT IS IT'S -- MY DAMAGE -- MY DAMAGE

10:53:09 19

OPINION IS -- IS IT'S A CAL- -- IT'S A CALCULATION,

10:53:10 20

AND IT'S A CALCULATION BASED ON THE DIFFERENCES IN

10:53:14 21

OPERATING INCOME YEAR-OVER-YEAR.

10:53:17 22

Q. UH-HUH.

10:53:17 23

A. AND SO -- SO THAT -- THAT CALCULATION

10:53:21 24

INCORPORATES DR. KNEUPER'S LIABILITY THEORY IN THAT.

10:53:23 25

SO THAT -- THAT WAS THE ONLY REASON FOR THE

DEPOSITION OF GENE DEETZ

10:53:25 1 CLARIFICATION.

10:53:27 2 Q. OKAY. YOU HAVE NO OPINION ON WHETHER
10:53:28 3 OR NOT THE PLAINTIFFS COULD HAVE PROFITABLY PUT A
10:53:33 4 SHOW ON FOX DEPORTES IN 2015 OR 2016, DO YOU?

10:53:36 5 A. I DON'T HAVE ANY -- ANY OPINION
10:53:40 6 INDEPENDENT OF WHAT I'VE ALREADY STATED.

10:53:43 7 Q. AND YOUR DAMAGES MODEL IS INCAPABLE OF
10:53:46 8 ADDRESSING THAT FACT BECAUSE IT'S ASSUMPTION IS THAT
10:53:49 9 THEY WERE INCAPABLE OF PROMOTING T.V. OR BOXING BOUTS
10:53:53 10 ON ANY FOX NETWORK --

10:53:55 11 MR. CESTERO: OBJECTION.
10:53:56 12 BY MR. WOLFSON:

10:53:56 13 Q. -- IN THAT TIME FRAME?

10:53:57 14 MR. CESTERO: OBJECTION. IT'S VAGUE
10:53:57 15 AND AMBIGUOUS. IT MISSTATES THE REPORT. IT
10:53:59 16 MISSTATES THE WITNESS'S TESTIMONY.

10:54:03 17 THE DEPONENT: YEAH. I -- I --
10:54:03 18 AGAIN, I HAVE A DAMAGE CALCULATION THAT FLOWS FROM
10:54:07 19 DR. KNEUPER.

10:54:09 20 I DON'T -- I DON'T RECALL HOW HE
10:54:10 21 CHARACTERIZES THE -- THE HARM AND THE -- FOR THE T.V.
10:54:13 22 COMPONENT, BUT IT FLOWS FROM THAT.

10:54:15 23 BY MR. WOLFSON:

10:54:15 24 Q. OKAY. BUT ONE OF THE COMPONENTS OF
10:54:16 25 YOUR DAMAGES ANALYSIS IS THAT IN 2014 AND THE FIRST

DEPOSITION OF GENE DEETZ

10:54:23 1 HALF OF 2015, THERE WERE SHOWS ON FOX DEPORTES THAT
10:54:28 2 THE PLAINTIFFS PROMOTED, AND THEN THE FOX DEPORTES
10:54:31 3 SHOWS WENT AWAY?

10:54:38 4 MR. CESTERO: OBJECTION. I THINK THAT
10:54:38 5 MISSTATES THE REPORT, BUT GO --

10:54:38 6 THE DEPONENT: NO, I --

10:54:38 7 MR. CESTERO: -- AHEAD AND CLARIFY.

10:54:40 8 THE DEPONENT: WELL, I THINK IT'S -- I
10:54:40 9 THINK IT'S A -- ACTUALLY, I THINK IT IS A YES. THE
10:54:41 10 ONLY REASON I WANT TO CLARIFY IS I DON'T RECALL THE
10:54:44 11 SPECIFICS.

10:54:44 12 BUT TO THE EXTENT THERE'S FOX DEPORTES
10:54:45 13 REVENUE IN ONE PERIOD AND THEN THERE'S NO FOX
10:54:50 14 DEPORTES REVENUE IN ANOTHER, THEN THAT -- I WOULD
10:54:50 15 CAPTURE THAT DIFFERENCE.

10:54:51 16 BY MR. WOLFSON:

10:54:51 17 Q. AND THE ASSUMPTION IS THAT THAT'S
10:54:53 18 DAMAGE TO GOLDEN BOY BECAUSE, WHATEVER IT WAS, DUE TO
10:54:55 19 THE DEFENDANTS' ACTIVITIES?

10:55:00 20 A. YES. AGAIN, FLOWING FROM DR.
10:55:02 21 KNEUPER'S LIABILITY OPINION.

10:55:03 22 Q. OKAY. AND IF THE EVIDENCE IS THAT
10:55:06 23 PLAINTIFFS TURNED DOWN THE OPPORTUNITY TO CONTINUE
10:55:09 24 PROMOTING ON FOX DEPORTES FOR 2015 AND 2016, HOW DOES
10:55:16 25 THAT AFFECT YOUR DAMAGES ANALYSIS?

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DEPOSITION OF GENE DEETZ

10:55:18 1 MR. CESTERO: OBJECTION. IT'S AN
10:55:19 2 INCOMPLETE HYPOTHETICAL. IT ASSUMES FACTS NOT IN
10:55:22 3 EVIDENCE, AND IT MISSTATES THE RECORD.
10:55:24 4 GO AHEAD.
10:55:24 5 THE DEPONENT: AND, AGAIN, IT WOULD --
10:55:25 6 IT WOULDN'T. BECAUSE I -- MY OPINION FLOWS DIRECTLY
10:55:27 7 FROM DR. KNEUPER'S LIABILITY OPINION.
10:55:32 8 BY MR. WOLFSON:
10:55:32 9 Q. OKAY. NOW, WE'VE PREVIOUSLY TALKED
10:55:33 10 ABOUT HOW YOU RELY EXCLUSIVELY ON DR. KNEUPER'S
10:55:37 11 CRITERIA FOR CHAMPIONSHIP-CALIBER BOXERS; RIGHT?
10:55:40 12 A. THAT'S CORRECT.
10:55:40 13 Q. AND THAT YOU APPLIED THOSE CRITERIA
10:55:46 14 WHEN ESTABLISHING WHICH BOXERS YOU DID AND DID NOT
10:55:49 15 INCLUDE AS CHAMPIONSHIP-CALIBER BOXERS IN YOUR
10:55:52 16 ANALYSIS?
10:55:52 17 A. I BELIEVE THAT'S CORRECT, YES.
10:55:59 18 Q. OKAY. IF THE EVIDENCE SHOWS THAT
10:56:00 19 GOLDEN BOY'S CRITERIA FOR CHAMPIONSHIP-CALIBER BOXERS
10:56:05 20 ARE NARROWER THAN THE ONES THAT DR. KNEUPER APPLIED,
10:56:09 21 HOW DOES THAT AFFECT YOUR DAMAGES ANALYSIS?
10:56:13 22 MR. CESTERO: OBJECT. IT VAGUE AND
10:56:14 23 AMBIGUOUS. IT'S AN INCOMPLETE HYPOTHETICAL. IT
10:56:18 24 ASSUMES FACTS NOT IN EVIDENCE.
10:56:20 25 THE DEPONENT: AGAIN, I -- I DON'T

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

10:56:21 1 THINK IT WOULD.

10:56:22 2 BY MR. WOLFSON:

10:56:22 3 Q. NOT AT ALL?

10:56:23 4 A. AT ALL. NOT AT ALL.

10:56:23 5 Q. WHY NOT?

10:56:24 6 A. IT FLOWS FROM DR. KNEUPER'S OPINION.

10:56:26 7 Q. SO IF DR. KNEUPER'S OPINION ON

10:56:30 8 CHAMPIONSHIP-CALIBER BOXERS WAS REFUTED BY THE

10:56:36 9 EVIDENCE, IS YOUR DAMAGES MODEL CAPABLE OF ADJUSTING

10:56:40 10 TO WHAT THE EVIDENCE SHOWS ARE CHAMPIONSHIP-CALIBER

10:56:42 11 BOXERS?

10:56:43 12 MR. CESTERO: WELL, I'LL OBJECT. THE

10:56:44 13 QUESTION IS AN INCOMPLETE HYPOTHETICAL. IT ASSUMES

10:56:46 14 FACTS NOT IN EVIDENCE. IT'S ARGUMENTATIVE, AND IT'S

10:56:51 15 VAGUE AND AMBIGUOUS.

10:56:51 16 THE DEPONENT: THE -- IF YOU'D TURN

10:57:00 17 TO -- IF WE COULD GO BACK TO THE AMENDED OR REVISED

10:57:03 18 EXHIBIT 3 FOR A SECOND --

10:57:04 19 BY MR. WOLFSON:

10:57:04 20 Q. UH-HUH.

10:57:05 21 A. -- AND LOOK AT THE SECOND PAGE.

10:57:11 22 SO THIS IS LINKED TO THE FIRST PAGE.

10:57:11 23 AND TO THE EXTENT -- TO THE EXTENT -- AND I -- I'M --

10:57:15 24 I'M NOT SUGGESTING THAT -- THAT -- THAT THIS IS MY

10:57:18 25 OPINION OR THAT ANY OTHER TESTIMONY THEN -- THEN

kna

DEPOSITION OF GENE DEETZ

10:57:20 1 WHAT -- WHAT I'VE GOT FLOWS FROM DR. KNEUPER'S
10:57:25 2 LIABILITY OPINION.

10:57:27 3 BUT THE POINT IS, THAT TO THE EXTENT
10:57:29 4 YOU WERE TO CHANGE -- FOR WHATEVER REASON -- THE --
10:57:32 5 THE X'S IN THE "RELATIVE CRITERIA" BOXES, THEN WHAT
10:57:37 6 WOULD HAPPENED --

10:57:37 7 Q. UH-HUH.

10:57:38 8 A. -- IS THAT THE INTER-RELATIONSHIP OF
10:57:41 9 CHAMPIONSHIP-CALIBER AND NON-CHAMPIONSHIP-CALIBER
10:57:45 10 AMOUNTS WOULD CHANGE, BUT THE TOTAL AMOUNT THAT I USE
10:57:48 11 FOR DAMAGES WOULD STAY THE SAME.

10:57:51 12 Q. UH-HUH. AND ONE OF THE -- ONE OF THE
10:57:52 13 FUNDAMENTAL BASES FOR YOUR DAMAGES ANALYSIS IS THAT
10:58:01 14 INCOME WENT DOWN FROM 2014 TO 2015 AND 2016; RIGHT?

10:58:05 15 MR. CESTERO: IT'S VAGUE AND
10:58:06 16 AMBIGUOUS.

10:58:06 17 THE DEPONENT: YEAH. AND I'M JUST --
10:58:07 18 I -- THE INCOME FROM BOXING OPERATIONS WENT DOWN FROM
10:58:09 19 '14 TO '15 AND '15 TO '16.

10:58:12 20 BY MR. WOLFSON:

10:58:12 21 Q. OKAY. NOW, IF THE EVIDENCE SHOWED,
10:58:17 22 HOWEVER, THAT, FOR EXAMPLE, INCOME FROM
10:58:19 23 NON-CHAMPIONSHIP-CALIBER BOXERS IN 2014 WAS MUCH
10:58:25 24 HIGHER THAN WHAT YOU HAVE HERE AND WAS MUCH HIGHER IN
10:58:31 25 2015 AND 2016, WHAT DOES THAT DO TO YOUR CONCLUSIONS

kna

DEPOSITION OF GENE DEETZ

10:58:35 1 ABOUT GOLDEN BOY'S DAMAGES?

10:58:38 2 MR. CESTERO: I'M SORRY. CAN YOU
10:58:39 3 REPEAT THAT QUESTION FOR ME, PLEASE.

10:58:12 4 (THE RECORD WAS READ AS FOLLOWS:

10:58:12 5 Q. OKAY. NOW, IF THE EVIDENCE
10:58:16 6 SHOWED, HOWEVER, THAT, FOR EXAMPLE,
10:58:18 7 INCOME FROM NON-CHAMPIONSHIP-CALIBER
10:58:23 8 BOXERS IN 2014 WAS MUCH HIGHER
10:58:26 9 THAN WHAT YOU HAVE HERE AND WAS
10:58:29 10 MUCH HIGHER IN 2015 AND 2016, WHAT
10:58:33 11 DOES THAT DO TO YOUR CONCLUSIONS
10:58:35 12 ABOUT GOLDEN BOY'S DAMAGES?)

10:58:59 13 MR. CESTERO: OBJECT. IT AN
10:58:59 14 INCOMPLETE HYPOTHETICAL. IT ASSUMES FACTS NOT IN
10:59:02 15 EVIDENCE, AND IT'S VAGUE AND AMBIGUOUS.

10:59:04 16 THE DEPONENT: I -- I -- I THINK IT'S
10:59:05 17 A TWO-PART ANSWER.

10:59:07 18 ONE, I HAVEN'T CONSIDERED ANY OTHER
10:59:09 19 ANALYSIS OTHER THAN THE ONE THAT -- THAT'S BASED ON
10:59:12 20 DR. KNEUPER'S CRITERIA.

10:59:14 21 BY MR. WOLFSON:

10:59:14 22 Q. OKAY.

10:59:15 23 A. SO I -- I WOULDN'T HAVE -- I HAVEN'T
10:59:16 24 DONE ANOTHER ANALYSIS TO HAVE ANOTHER -- ANOTHER
10:59:19 25 OPINION, OTHER THAN THE ONE I PRESENTED.

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DEPOSITION OF GENE DEETZ

10:59:21 1 Q. OKAY. AND -- AND TWO?

10:59:23 2 A. TWO, IS THAT THE DAMAGE AMOUNTS ARE

10:59:28 3 BASED ON THE TOTAL INCOME FROM BOXING OPERATIONS --

10:59:32 4 Q. AND --

10:59:33 5 A. -- WHICH IS NOT GOING TO CHANGE.

10:59:34 6 Q. AND THEY'RE NOT BASED ON ANY

10:59:37 7 DIVISIONS BETWEEN CHAMPIONSHIP-CALIBER BOXERS AND

10:59:39 8 NON-CHAMPIONSHIP-CALIBER BOXERS?

10:59:42 9 MR. CESTERO: OBJECTION. IT'S VAGUE

10:59:44 10 AND AMBIGUOUS.

10:59:45 11 THE DEPONENT: IT'S CONTAINS THOSE

10:59:45 12 DIFFERENCES, BUT THOSE ARE ALL SUBPARTS OF THE

10:59:48 13 TOTAL.

10:59:51 14 BY MR. WOLFSON:

10:59:51 15 Q. AND YOUR UNDERSTANDING IS THAT --

10:59:56 16 OKAY. STRIKE THAT.

11:00:00 17 SO NO MATTER HOW BOXERS ARE DEFINED --

11:00:04 18 CHAMPIONSHIP-CALIBER BOXERS VERSUS

11:00:05 19 NON-CHAMPIONSHIP-CALIBER BOXERS -- YOUR DAMAGES

11:00:06 20 NUMBERS REMAIN THE SAME?

11:00:08 21 MR. CESTERO: OBJECTION. THAT'S VAGUE

11:00:08 22 AND AMBIGUOUS AND AN INCOMPLETE HYPOTHETICAL.

11:00:10 23 THE DEPONENT: YEAH. I HAVEN'T

11:00:11 24 CONSIDERED ANY OTHER ANALYSIS THAN THE ONE THAT I

11:00:15 25 PRESENTED YOU THAT FLOWS FROM DR. KNEUPER'S. AND SO

DEPOSITION OF GENE DEETZ

11:00:19 1 I DON'T HAVE ANY OTHER OPINION THAN THIS ONE.
11:00:20 2 BY MR. WOLFSON:
11:00:20 3 Q. SO IN EXHIBIT 3 HERE, THE UPDATED
11:00:24 4 EXHIBIT 3, NO MATTER HOW THE ROW NUMBERS CHANGE --
11:00:28 5 CHANGE, YOUR FINAL DAMAGES CONCLUSIONS WILL REMAIN
11:00:36 6 THE SAME?
11:00:37 7 MR. CESTERO: OBJECTION. THAT'S VAGUE
11:00:38 8 AND AMBIGUOUS.
11:00:43 9 THE DEPONENT: I HAVEN'T CONSIDERED
11:00:44 10 ANY OTHER -- ANY OTHER ALTERNATIVE BUT THE ONE THAT'S
11:00:49 11 DRIVEN BY DR. KNEUPER'S ASSUMPTION, SO I WOULDN'T
11:00:51 12 HAVE ANY OTHER OPINION THAN THE ONE I'VE GOT BASED ON
11:00:54 13 THIS REPORT.
11:00:54 14 BY MR. WOLFSON:
11:00:54 15 Q. OKAY. AND WOULD -- I'M --
11:00:56 16 SPECIFICALLY, THOUGH, MY QUESTION HERE IS: NO MATTER
11:00:59 17 HOW THE NUMBERS IN THESE ROWS AS YOU'VE DEFINED THEM
11:01:01 18 CHANGE, IT IS YOUR OPINION THAT THE ULTIMATE DAMAGES
11:01:03 19 NUMBERS -- THE 7 TO 8.4 MILLION OR THE 20 MILLION --
11:01:09 20 THEY REMAIN THE SAME?
11:01:10 21 A. NO. MY TESTIMONY IS THAT THAT
11:01:12 22 ANALYSIS THAT I'VE DONE IS THE ONE I'VE PRESENTED,
11:01:14 23 AND THAT'S WHAT MY OPINION IS BASED ON. I HAVEN'T
11:01:17 24 CONSIDERED ANY OTHER -- ANY OTHER ANALYSIS OR
11:01:20 25 ALTERNATIVE DAMAGES CALCULATION.

DEPOSITION OF GENE DEETZ

11:04:38 1 Q. GOT IT.

11:04:38 2 A. THAT WAS THE REASON FOR THE

11:04:40 3 CONFUSION.

11:04:40 4 Q. GOT IT. OKAY.

11:04:47 5 AND IF YOU FLIP TO THE SECOND PAGE --

11:04:48 6 JUST WE'RE GOING TO GO THROUGH THIS 2014 DETAIL ONE

11:04:52 7 MORE TIME.

11:04:54 8 A. OKAY.

11:04:54 9 Q. WE'VE ALREADY TALKED ABOUT ALFREDO

11:04:57 10 ANGULO, DEVON ALEXANDER, SAKIO BIKA.

11:05:00 11 IF YOU GO DOWN, DO YOU SEE "DIERRY

11:05:02 12 JEAN? IT'S WITH A J-E-N [SIC].

11:05:06 13 A. "DIERRY" WITH A "D"?

11:05:09 14 Q. UH-HUH.

11:05:11 15 A. J-E-A-N. I DO SEE THAT.

11:05:11 16 Q. UH-HUH. AND SINCE THERE'S AN "X"

11:05:13 17 IN THE COLUMN "INCREMENTAL CHAMPIONSHIP-CALIBER,"

11:05:17 18 THAT MEANS THAT HE IS NOW BEING CONSIDERED A

11:05:15 19 CHAMPIONSHIP-CALIBER BOXER FOR YOUR ANALYSIS, BUT

11:05:20 20 PREVIOUSLY WAS NOT?

11:05:21 21 A. THAT'S CORRECT.

11:05:22 22 Q. AND INCLUDING MR. DIERRY JEAN IN

11:05:28 23 YOUR -- IN YOUR DAMAGES ANALYSIS DID NOT CHANGE YOUR

11:05:29 24 ULTIMATE CONCLUSIONS ABOUT GOLDEN BOY'S DAMAGES?

11:05:33 25 A. IT DID NOT.

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

11:05:35 1 Q. OKAY. AND WOULD IT SURPRISE YOU
11:05:36 2 TO UNDER- -- TO LEARN THAT MR. JEAN IS NOT INCLUDED
11:05:40 3 IN MR. KNEUPER'S LIST OF CHAMPIONSHIP-CALIBER
11:05:42 4 BOXERS?
11:05:43 5 MR. CESTERO: VAGUE AS TO TIME.
11:05:44 6 THE DEPONENT: AGAIN, THIS IS -- THIS
11:05:45 7 IS -- IT -- IT WOULDN'T SURPRISE ME BECAUSE THIS IS
11:05:47 8 AN ANALYSIS AS OF 2014. AND I'M NOT SURE WHAT PERIOD
11:05:50 9 DR. KNEUPER'S ANALYZING.
11:05:57 10 BY MR. WOLFSON:
11:05:57 11 Q. OKAY. EZEKIEL BROOK -- IF YOU GO
11:06:00 12 DOWN.
11:06:00 13 A. I'M GONNA -- I'VE GOT -- I'VE GOT IT.
11:06:01 14 Q. OKAY. IN THE COLUMN FOR "INCREMENTAL
11:06:02 15 CHAMPIONSHIP-CALIBER BOXERS," HE IS NOW INCLUDED.
11:06:04 16 A. I SEE THAT.
11:06:05 17 Q. WOULD IT SURPRISE YOU TO UNDERSTAND
11:06:07 18 THAT MR. BROOK WAS NOT INCLUDED DR. KNEUPER'S LIST OF
11:06:11 19 CHAMPIONSHIP-CALIBER BOXERS?
11:06:13 20 A. AGAIN -- AGAIN, IT'S GOING TO HAVE
11:06:14 21 THE -- THIS -- THIS -- NO, IT -- IT WOULDN'T, FOR THE
11:06:16 22 REASONS I'VE TESTIFIED ALREADY.
11:06:18 23 Q. OKAY. AND INCLUDING MR. BROOK IN YOUR
11:06:21 24 CHAMPIONSHIP-CALIBER NUMBERS DID NOT AFFECT YOUR
11:06:24 25 ULTIMATE CONCLUSIONS ABOUT GOLDEN BOY'S DAMAGES;

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

11:06:27 1 RIGHT?

11:06:28 2 A. THAT'S CORRECT.

11:06:32 3 Q. IF YOU DO DOWN -- IT'S A LITTLE OVER

11:06:33 4 HALFWAY DOWN TO SOMEONE NAMED NIHITO ARAKAWA. I KNOW

11:06:37 5 IT'S SMALL -- SMALL TEXT.

11:06:47 6 A. ABOVE OR BELOW RICARDO ALVAREZ?

11:06:53 7 MR. CESTERO: BELOW. ABOUT TEN BELOW

11:06:56 8 HIM.

11:07:14 9 (DOCUMENT REVIEWED BY THE DEPONENT.)

11:07:14 10 THE DEPONENT: I'M SORRY. I'M JUST

11:07:15 11 NOT PICKING IT UP. GIVE ME A SECOND.

11:07:17 12 BY MR. WOLFSON:

11:07:17 13 Q. UH-HUH.

11:07:18 14 A. "ARAKAWA"?

11:07:19 15 Q. YES.

11:07:19 16 A. I HAVE IT.

11:07:20 17 Q. OKAY. SO IN THE COLUMN FOR

11:07:22 18 "INCREMENTAL CHAMPIONSHIP-CALIBER," THIS MEANS --

11:07:23 19 THERE'S AN "X" THERE, MEANING HE'S, FOR THIS

11:07:27 20 ANALYSIS, BEING INCLUDED AS CHAMPIONSHIP-CALIBER BUT

11:07:29 21 PREVIOUSLY WAS NOT?

11:07:30 22 A. THAT'S CORRECT.

11:07:31 23 Q. OKAY. AND WOULD IT SURPRISE YOU

11:07:32 24 TO LEARN THAT MR. ARAKAWA IS NOT INCLUDED IN MR. --

11:07:37 25 DR. KNEUPER'S LIST OF CHAMPIONSHIP-CALIBER BOXERS?

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

11:07:39 1 A. AGAIN, NO, IT WOULDN'T, FOR THE
11:07:41 2 REASONS WE'VE -- WE'VE -- OR I'VE TESTIFIED TO
11:07:44 3 PREVIOUSLY.
11:07:45 4 Q. OKAY. AND THE INCLUSION NOW OF
11:07:46 5 MR. ARAKAWA DOES NOT CHANGE YOUR CONCLUSIONS ABOUT
11:07:50 6 THE DAMAGES TO GOLDEN BOY?
11:07:51 7 A. THAT'S CORRECT.
11:07:52 8 Q. IF YOU GO DOWN TO THE VERY --
11:07:56 9 THIRD-TO-LAST BOXER NAMED MARCO PERIBAN?
11:08:01 10 A. I SEE THAT.
11:08:02 11 Q. OR PERIBAN.
11:08:04 12 THIS IS ALSO BECAUSE HE'S MARKED IN
11:08:07 13 THE "INCREMENTAL CHAMPIONSHIP-CALIBER" COLUMN, A
11:08:09 14 NEW -- A BOXER THAT IS NOW BEING CONSIDERED A
11:08:12 15 CHAMPIONSHIP-CALIBER, WHEREAS PREVIOUSLY HE WAS NOT.
11:08:14 16 A. I SEE THAT.
11:08:15 17 Q. AND WOULD IT SURPRISE YOU THAT
11:08:17 18 MR. PERIBAN WAS NOT INCLUDED IN DR. KNEUPER'S LIST OF
11:08:21 19 CHAMPIONSHIP-CALIBER BOXERS?
11:08:22 20 A. NO, IT WOULD NOT. AGAIN, FOR THE SAME
11:08:23 21 REASON I'VE TESTIFIED TO.
11:08:24 22 Q. AND CAN I -- AM I RIGHT TO ASSUME THAT
11:08:27 23 HIS INCLUSION NOW AS A CHAMPIONSHIP-CALIBER BOXER
11:08:30 24 DOES NOT CHANGE YOUR ULTIMATE DAMAGES CONCLUSIONS
11:08:33 25 EITHER?

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

11:08:33 1 A. IT DOES NOT.

11:09:18 2 Q. ACTUALLY, IF YOU COULD KEEP THAT IN

11:09:20 3 FRONT OF YOU AND TURN TO THE 2015 DETAIL.

11:09:22 4 A. SURE.

11:09:23 5 Q. IT'LL WOULD BE PAGE 8 OF YOUR NEW

11:09:25 6 EXHIBIT 3.

11:09:26 7 A. 8 OF 11?

11:09:28 8 Q. UH-HUH.

11:09:34 9 A. I HAVE THAT.

11:09:35 10 Q. OKAY. THIS -- THE EASIER WAY ANA- --

11:09:38 11 WAY TO FIND THIS WILL BE BY LOOKING AT THE FIRST "X"

11:09:41 12 IN THE "INCREMENTAL CHAMPIONSHIP-CALIBER" ROW?

11:09:45 13 A. I HAVE THAT.

11:09:46 14 Q. THAT'S FOR A BOXER NAMED ALFONSO

11:09:48 15 GOMEZ?

11:09:49 16 A. I SEE THAT.

11:09:50 17 MR. CESTERO: I'M SORRY. I'M SORRY.

11:09:50 18 WHICH ROW ARE YOU TALKING ABOUT?

11:09:53 19 MR. WOLFSON: WELL, I'M TALKING ABOUT

11:09:53 20 THE COLUMN.

11:09:55 21 MR. CESTERO: OH.

11:09:56 22 MR. WOLFSON: BASICALLY, IF YOU GO

11:09:56 23 DOWN TO THE FIRST BOXER THAT THIS TIME IS BEING

11:09:59 24 INCLUDED AS A -- AS A CHAMPIONSHIP-CALIBER.

11:10:06 25 MR. CESTERO: IN THE "INCREMENTAL"

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

11:10:10 1 COLUMN?

11:10:10 2 MR. WOLFSON: YES. IT'S A BOXER NAMED

11:10:12 3 ALFONZO GOMEZ.

11:10:14 4 MR. CESTERO: THAT'S NOT WHAT MINE'S

11:10:14 5 SHOWING IN 2015.

11:10:16 6 MR. WOLFSON: 2015?

11:10:16 7 THE DEPONENT: YEAH, PAGE 8.

11:10:16 8 MR. WOLFSON: OR PAGE 8, THAT'S WHAT

11:10:18 9 IT IS.

11:10:18 10 THE DEPONENT: PAGE 8 OF 11, IF YOU

11:10:18 11 LOOK AT THE --

11:10:18 12 MR. CESTERO: OH, I'M SORRY.

11:10:19 13 SO IT'S THE SECOND PAGE OF PAGE 8.

11:10:21 14 OKAY.

11:10:21 15 MR. WOLFSON: UH-HUH.

11:10:21 16 MR. CESTERO: OKAY. FINE. I

11:10:22 17 UNDERSTAND. I WAS ON THE FIRST PAGE. SORRY.

11:10:34 18 I STILL DON'T THINK THAT'S THE RIGHT

11:10:34 19 GUY. OH, MAYBE IT IS.

11:10:34 20 I'M LOOKING UNDER THE WRONG COLUMN --

11:10:34 21 COLUMN.

11:10:34 22 OH, YEAH. THERE YOU GO. GOT IT.

11:10:34 23 OKAY.

11:10:35 24 BY MR. WOLFSON:

11:10:35 25 Q. SO MR. -- THIS IS AN ANALYSIS THAT YOU

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

11:10:37 1 UPDATED BASED ON THE CRITERIA FROM DR. KNEUPER;
11:10:39 2 RIGHT?
11:10:40 3 A. THAT'S CORRECT.
11:10:40 4 Q. FOR 2015?
11:10:42 5 A. THAT'S CORRECT.
11:10:42 6 Q. AND WOULD IT SURPRISE YOU TO KNOW
11:10:44 7 THAT -- AND FEEL FREE TO LOOK -- THAT MR. GOMEZ IS
11:10:48 8 NOT INCLUDED AS A CHAMPIONSHIP-CALIBER BOXER IN
11:10:50 9 DR. KNEUPER'S LIST OF CHAMPIONSHIP-CALIBER BOXERS?
11:10:54 10 A. IT -- IT WOULD NOT, FOR THE REASONS
11:10:56 11 WE'VE ALL -- I'VE PREVIOUSLY TESTIFIED TO.
11:10:58 12 Q. WHY WOULD THAT NOT SURPRISE YOU?
11:11:01 13 A. THERE'S TWO REASONS.
11:11:02 14 ONE IS THAT -- THAT THERE -- I DON'T
11:11:05 15 KNOW OF ANY OTHER -- I DON'T KNOW THE EXACT TIME
11:11:08 16 FRAME THAT DR. KNEUPER'S OPINING ON --
11:11:11 17 Q. UH-HUH.
11:11:12 18 A. -- IS ONE.
11:11:15 19 AND THAT EVEN IF WE WERE IN THE
11:11:18 20 SAME -- HYPOTHETICALLY LINING UP IN SAME TIME PERIOD
11:11:24 21 WHEN YOU'RE LOOKING AT -- OH -- WHEN YOU'RE LOOKING
11:11:26 22 AT SEVERAL HUNDRED FIGHTERS IN MAKING THAT
11:11:29 23 DETERMINATION, IT WOULDN'T SURPRISE ME IF THERE WAS
11:11:31 24 ONE OR TWO DIFFERENCES IN INTERPRETING THE DATA THAT
11:11:35 25 WOULD -- THAT WOULD RESULT IN THAT DETERMINATION.

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

11:11:38 1 BECAUSE I DID THIS COMPLETELY INDEPENDENTLY.

11:11:42 2 Q. WELL, WHAT GIVES YOU THE QUALIFICATION

11:11:44 3 TO DO THIS INDEPENDENTLY IF --

11:11:45 4 A. WELL, BECAUSE --

11:11:47 5 Q. -- IF IT'S DR. KNEUPER'S CRITERIA AND

11:11:49 6 ANALYSIS?

11:11:50 7 A. WELL, I'M --

11:11:50 8 MR. CESTERO: OBJECTION. IT'S VAGUE

11:11:51 9 AND AMBIGUOUS.

11:11:52 10 GO AHEAD.

11:11:52 11 THE DEPONENT: THE CRITERIA ARE CLEAR,

11:11:53 12 AND IT'S -- IT'S -- IT IS A DEFINITION OF A

11:11:57 13 U.S.-BASED MANAGER OR PROMOTER, IT'S A RANKING

11:12:01 14 CRITERIA, AND A TELEVISION CRITERIA, OR A

11:12:07 15 WORLD-CHAMPION CRITERIA, IF I REMEMBER ALL OF THEM

11:12:10 16 CORRECTLY.

11:12:10 17 AND I'M APPLYING THOSE CRITERIA AND --

11:12:12 18 AND CREATING THAT LIST BASED ON THOSE CRITERIA.

11:12:15 19 BY MR. WOLFSON:

11:12:15 20 Q. BUT YOU ARE SAYING THEY'RE

11:12:16 21 CHAMPIONSHIP-CALIBER BOXERS FOR YOUR ANALYSIS;

11:12:18 22 RIGHT?

11:12:18 23 A. THAT'S CORRECT.

11:12:19 24 Q. AND THAT IS THE TERMINOLOGY THAT

11:12:20 25 DR. KNEUPER IS USING?

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

11:12:22 1 A. AND I'M ADOPT -- I'M ADOPTING THAT
11:12:23 2 TERMINOLOGY AND HIS CRITERIA BASED ON HIS REPORT.

11:12:27 3 Q. HIS CRITERIA AND HIS METHODOLOGY FOR
11:12:28 4 DETERMINING WHAT IS A CHAMIPONSHIP-CALIBER BOXER?

11:12:30 5 MR. CESTERO: OBJECTION. THAT'S VAGUE
11:12:31 6 AND AMBIGUOUS.

11:12:34 7 THE DEPONENT: WELL, THE CRITERIA --
11:12:35 8 I -- I THINK THE ANSWER IS YES.

11:12:38 9 THE CRITERIA DETERMINED THE OUTCOME.
11:12:39 10 SO WHEN I APPLY THE CRITERIA, I EITHER HAVE OR DON'T
11:12:40 11 HAVE A CHAMPIONSHIP-CALIBER BOXER.

11:12:43 12 BY MR. WOLFSON:

11:12:43 13 Q. AND HE -- BUT THERE ARE INSTANCES
11:12:45 14 WHERE YOU'RE SAYING THAT, BASED ON HIS CRITERIA, YOU
11:12:48 15 AND HE ARE DISAGREEING AS TO WHICH BOXERS ARE AND ARE
11:12:53 16 NOT CHAMPIONSHIP-CALIBER BOXERS.

11:12:53 17 A. AND THAT WASN'T MY --
11:12:55 18 (SPEAKING SIMULTANEOUSLY.)

11:12:55 19 MR. CESTERO: OBJECTION. THAT
11:12:55 20 MISSTATES THE WITNESS'S --

11:12:55 21 THE DEPONENT: -- MY TESTIMONY.

11:12:56 22 MR. CESTERO: -- TESTIMONY.

11:12:56 23 THE DEPONENT: NO.

11:12:56 24 BY MR. WOLFSON:

11:12:56 25 Q. BUT ISN'T -- ISN'T THAT RIGHT ON THE

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DEPOSITION OF GENE DEETZ

11:12:57 1 PAGE?

11:12:58 2 A. NO, NOT AT ALL.

11:13:01 3 MR. CESTERO: NO.

11:13:02 4 BY MR. WOLFSON:

11:13:02 5 Q. OKAY. SO LET'S GO TO -- LET'S GO BACK

11:13:03 6 A PAGE THEN. PAGE 7 OF EXHIBIT 3.

11:13:06 7 A. RIGHT.

11:13:06 8 Q. DO YOU UNDERSTAND THAT DR. KNEUPER'S

11:13:09 9 ANALYSIS IS FROM JANUARY 1ST, 2015, THROUGH THE

11:13:12 10 PRESENT?

11:13:13 11 MR. CESTERO: WELL, OBJECTION. THE

11:13:13 12 DOCUMENT SPEAKS FOR ITSELF.

11:13:15 13 THE DEPONENT: YEAH. I DON'T HAVE A

11:13:16 14 SPECIFIC UNDERSTANDING OF -- OF HIS ANALYSIS OR AS OF

11:13:20 15 WHAT DATES HE'S MAKING ANY PARTICULAR DETERMINATION

11:13:22 16 OF A CHAMPIONSHIP-CALIBER BOXER.

11:13:24 17 BY MR. WOLFSON:

11:13:24 18 Q. IF HE IS MAKING AN ASSUMPTION OR

11:13:27 19 MAKING AN ANALYSIS OF WHO IS A CHAMPIONSHIP-CALIBER

11:13:31 20 BOXER FROM JANUARY 1ST, 2015, THROUGH THE PRESENT,

11:13:34 21 THEN SHOULDN'T YOUR DETERMINATION OF THAT -- OF WHO

11:13:39 22 IS A CHAMPIONSHIP-CALIBER BOXER LINE UP WITH HIS?

11:13:43 23 MR. CESTERO: WELL, OBJECTION. THAT'S

11:13:44 24 VAGUE AND AMBIGUOUS, AND IT MISSTATES THE WITNESS'S

11:13:47 25 TESTIMONY.

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

11:13:48 1 I THINK -- IS YOUR QUESTION ABOUT
11:13:49 2 EXHIBIT -- THE EXHIBITS 3 AND 4 IN DR. KNEUPER'S
11:13:51 3 REPORT?
11:13:52 4 MR. WOLFSON: UH-HUH.
11:13:53 5 MR. CESTERO: SPECIFICALLY ABOUT THOSE
11:13:54 6 TWO LISTS?
11:13:55 7 MR. WOLFSON: YEAH.
11:13:56 8 MR. CESTERO: AND YOU'RE ASSUMING THAT
11:13:56 9 THOSE TWO LISTS INCLUDE EVERYBODY FROM JANUARY 1,
11:14:00 10 2015, THROUGH THE PRESENT WHO HAS QUALIFIED AS A
11:14:05 11 CHAMPIONSHIP BOXER AT ANY TIME DURING THAT TIME?
11:14:07 12 THAT'S YOUR ASSUMPTION OF WHAT
11:14:08 13 EXHIBITS 3 AND 4 ARE REFLECTING?
11:14:10 14 BY MR. WOLFSON:
11:14:10 15 Q. WHAT IS YOUR UNDERSTANDING --
11:14:11 16 A. OKAY.
11:14:11 17 Q. -- OF DR. KNEUPER'S CRITERIA FOR HOW
11:14:14 18 HE DETERMINES CHAMPIONSHIP-CALIBER BOXERS?
11:14:15 19 MR. CESTERO: OBJECTION; ASKED AND
11:14:16 20 ANSWERED.
11:14:18 21 THE DEPONENT: YEAH. I -- I -- HE --
11:14:19 22 IT -- IT HAS TO HAVE A RANKING WITHIN A PARTICULAR
11:14:22 23 TIME PERIOD; IT HAS TO BE ON TELEVISION; AND IT HAS
11:14:25 24 TO HAVE U.S.-BASED MANAGER OR PROMOTER.
11:14:28 25 AND I APPLIED THOSE CRITERIA IN THOSE

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DEPOSITION OF GENE DEETZ

11:14:30 1 TIME PERIODS, TO THE -- THE -- THE FIGHTERS THAT WERE

11:14:33 2 IN THE P & L AT THAT PARTICULAR POINT IN TIME.

11:14:38 3 BY MR. WOLFSON:

11:14:38 4 Q. OKAY. SO APPLYING DR. -- AND ARE YOU

11:14:43 5 AWARE THAT DR. KNEUPER'S LOOKED AT THE BOXERS IN

11:14:48 6 GOLDEN BOY'S P & L, AS WELL? OR DO YOU KNOW WHETHER HE

11:14:50 7 DID OR NOT?

11:14:51 8 MR. CESTERO: OBJECTION. IT CALLS FOR

11:14:53 9 SPECULATION.

11:14:54 10 THE DEPONENT: YEAH. I DON'T KNOW HOW

11:14:55 11 HE DETERMINED HIS LIST OF -- OF BOXERS.

11:14:58 12 BY MR. WOLFSON:

11:14:58 13 Q. UH-HUH.

11:14:58 14 A. BUT I APPLIED HIS CRITERIA TO THE LIST

11:15:02 15 OF BOXERS THAT WERE IN GOLDEN BOY'S P & L.

11:15:04 16 SO I DON'T KNOW HOW HE DETERMINED THE

11:15:06 17 LIST THAT HE WAS ANALYZING. BUT MY LIST IS DRIVEN BY

11:15:10 18 WHO -- WHO'S RESIDENT IN GOLDEN BOY'S P & L.

11:15:24 19 Q. OKAY. SO LET'S LOOK AT THE FIRST PAGE

11:15:26 20 OF THE 2015 DETAIL, WHICH IS PAGE 7 OF EXHIBIT 3 --

11:15:30 21 THE UPDATED EXHIBIT 3.

11:15:33 22 A. OKAY.

11:15:37 23 Q. THERE IS A BOXER TOWARDS THE TOP HERE

11:15:38 24 NAMED JAMES KIRKLAND.

11:15:40 25 DO YOU SEE HIM?

DEPOSITION OF GENE DEETZ

11:15:44 1 A. I SEE THAT.
11:15:45 2 Q. AND IN THE "INCREMENTAL
11:15:50 3 CHAMPIONSHIP-CALIBER" COLUMN, THERE'S AN "X"; RIGHT?

11:15:52 4 A. I SEE THAT.

11:15:53 5 Q. AND MR. KIRKLAND THEN, FOR THE
11:15:53 6 PURPOSES OF YOUR DAMAGES ANALYSIS, IS CONSIDERED A
11:15:56 7 CHAMPIONSHIP-CALIBER BOXER; RIGHT?

11:15:59 8 MR. CESTERO: IN 2015?

11:16:02 9 BY MR. WOLFSON:

11:16:02 10 Q. IN 2015.

11:16:02 11 A. THAT'S CORRECT.

11:16:02 12 Q. AND THIS IS BASED ON DR. KNEUPER'S
11:16:05 13 CRITERIA?

11:16:05 14 A. THAT'S CORRECT.

11:16:05 15 Q. THE CRITERIA THAT YOU JUST SAID TO ME
11:16:08 16 ON THE RECORD A COUPLE MINUTES AGO?

11:16:10 17 A. MY -- FROM MY RECOLLECTION, YES.

11:16:12 18 Q. OKAY. WOULD IT SURPRISE YOU TO KNOW

11:16:13 19 THAT DR. KNEUPER DOES NOT LIST JAMES KIRKLAND AS A
11:16:19 20 CHAMPIONSHIP-CALIBER BOXER IN EITHER OF HIS EXHIBIT 3
11:16:21 21 OR EXHIBIT 4, WHICH WERE HIS LISTS OF
11:16:28 22 CHAMPIONSHIP-CALIBER BOXERS?

11:16:28 23 A. NO, IT DOESN'T.

11:16:30 24 Q. OKAY. NOW, AS -- AS WE LOOK AT THE
11:16:32 25 OPERATING INCOME THAT MR. KIRKLAND CONTRIBUTED TO

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Kelli Norden and Associates
Court Reporters
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11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

11:16:36 1 GOLDEN BOY, IT APPEARS TO BE 213,352 DOLLARS FOR
11:16:46 2 2015; RIGHT?
11:16:47 3 A. THAT'S CORRECT.
11:16:51 4 Q. SO IN EXHIBIT 3 ITSELF, SINCE
11:16:55 5 MR. KIRKLAND IS NOT LISTED AS UNDER CONTRACT WITH
11:17:02 6 GOLDEN BOY, THAT 213,352 WENT IN THE FIRST ROW OF THE
11:17:14 7 2015 METRICS; RIGHT?
11:17:15 8 A. IT WOULD BE PART OF THE 573,830 --
11:17:19 9 -883 DOLLARS, YES.
11:17:20 10 Q. NOW, IF INSTEAD MR. KIRKLAND WAS --
11:17:24 11 WAS LISTED AS A NON-CHAMPIONSHIP-CALIBER BOXER, THEN
11:17:33 12 YOU WOULD TAKE THAT 213,000 OUT OF THE FIRST ROW IN
11:17:37 13 THE 2015 METRIC AND PUT IT -- AND ADD IT INTO THE
11:17:40 14 SECOND ROW; RIGHT?
11:17:41 15 A. THAT'S CORRECT. YOUR 573- INCOME
11:17:43 16 WOULD BE REDUCED AND YOUR LOSS OF 730,070 WOULD BE
11:17:48 17 REDUCED AS WELL.
11:17:49 18 Q. OKAY. TO THE BEST OF YOUR KNOWLEDGE,
11:17:52 19 WHY IS THERE A DIFFERENCE HERE IN HOW YOU ARE
11:17:59 20 CHARACTERIZING MR. KIRKLAND IN TERMS OF
11:18:04 21 CHAMPIONSHIP-CALIBER AND DR. KNEUPER IS
11:18:07 22 CHARACTERIZING HIM AS -- WELL -- OR HE'S NOT
11:18:08 23 CHARACTERIZING HIM AT ALL?
11:18:09 24 A. WELL --
11:18:10 25 MR. CESTERO: OBJECTION; VAGUE AND

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Kelli Norden and Associates
Court Reporters
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11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

11:18:11 1 AMBIGUOUS.

11:18:11 2 THE DEPONENT: IT WOULD --

11:18:13 3 MR. CESTERO: IT MISSTATES THE

11:18:14 4 DEPONENT'S TESTIMONY.

11:18:16 5 THE DEPONENT: YEAH. SO I APPLIED --

11:18:17 6 I APPLIED DR. KNEUPER'S CRITERIA TO THE DATA THAT WAS

11:18:20 7 IN GOLDEN BOY'S P & L AT A PARTICULAR POINT IN TIME.

11:18:23 8 BY MR. WOLFSON:

11:18:23 9 Q. UH-HUH.

11:18:24 10 A. AND TO THE EXTENT THAT THAT DOESN'T

11:18:25 11 SHOW UP -- AND I FORGET IF IT'S EXHIBIT 3 OR EXHIBIT

11:18:28 12 4 IN HIS REPORT -- I DON'T HAVE ANY SPECIFIC

11:18:31 13 EXPLANATION, OTHER THAN TO SAY THAT HE -- HE -- HE --

11:18:36 14 THERE MAY BE OTHER REASONS THAT HE HAS THAT IT'S NOT

11:18:39 15 THERE BASED ON THE TIME OF HIS ANALYSIS.

11:18:42 16 AND OTHER THAN THAT, I WOULDN'T KNOW.

11:18:44 17 I DIDN'T -- I DIDN'T CROSS-CHECK THOSE.

11:18:46 18 BY MR. WOLFSON:

11:18:46 19 Q. BECAUSE YOU DID IT YOURSELF?

11:18:47 20 A. I DID IT MYSELF.

11:19:12 21 Q. SO JUST TO BE CLEAR -- PERFECTLY CLEAR

11:19:14 22 HERE: YOU HAVE NOT CROSS-CHECKED YOUR DETERMINATIONS

11:19:15 23 OF WHICH BOXERS ARE CHAMPIONSHIP-CALIBER AGAINST

11:19:17 24 DR. KNEUPER'S DETERMINES OF WHICH BOXERS ARE

11:19:19 25 CHAMPIONSHIP -- CHAMPIONSHIP-CALIBER?

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Court Reporters
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DEPOSITION OF GENE DEETZ

11:31:46 1 BY MR. WOLFSON:

11:31:46 2 Q. DOES YOUR DAMAGES MODEL ASSUME
11:31:50 3 THAT GOLDEN BOY --

11:31:51 4 (THE DEPONENT COUGHED.)

11:31:51 5 THE DEPONENT: EXCUSE ME. I'M
11:31:52 6 SORRY.

11:31:52 7 BY MR. WOLFSON:

11:31:52 8 Q. IT'S OKAY.

11:31:53 9 DOES YOUR DAMAGES MODEL ASSUME THAT
11:31:55 10 GOLDEN BOY WAS DAMAGED BY THE HAY- -- HAYMON SPORTS
11:32:02 11 CONTRACT WITH A.B.C. TO SHOW BOXING PROGRAMMING ON
11:32:08 12 A.B.C.?

11:32:08 13 MR. CESTERO: OBJECTION. IT'S VAGUE
11:32:09 14 AND AMBIGUOUS. IT'S AN INCOMPLETE HYPOTHETICAL.

11:32:11 15 THE DEPONENT: AGAIN, IT'S NOT
11:32:12 16 SPECIFIC TO ANY -- IT COVERS ALL THE NETWORKS THAT
11:32:15 17 THEY HAD AND REVENUE FROM ALL THE -- AND I'M SAYING
11:32:18 18 NETWORK, CABLE, AND ALL SOURCES.

11:32:19 19 BY MR. WOLFSON:

11:32:19 20 Q. UN-HUH.

11:32:20 21 A. AND THEN THAT DECLINE.

11:32:28 22 SO -- SO TO THE EXTENT THAT -- THAT
11:32:28 23 THERE'S ANY PARTICULAR REVENUE OR LACK OF REVENUE
11:32:30 24 FROM ANY PARTICULAR NETWORK, IT'S CAPTURED IN MY
11:32:33 25 ANALYSIS.

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Court Reporters
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DEPOSITION OF GENE DEETZ

11:32:34 1 Q. NOW, IF DATA, THOUGH, SHOWED THAT --
11:32:37 2 WELL -- SO YOU'RE NOT PROVIDING ANY OPINION ABOUT
11:32:39 3 WHICH NETWORKS GOLDEN BOY SHOULD HAVE HAD ACCESS
11:32:42 4 TO?

11:32:44 5 MR. CESTERO: OBJECTION. THAT'S VAGUE
11:32:45 6 AND AMBIGUOUS.

11:32:46 7 THE DEPONENT: NO, I'M -- I'M NOT.
11:32:48 8 IT'S FLOWING FROM DR. KNEUPER'S LIABILITY OPINION.
11:32:52 9 BY MR. WOLFSON:

11:32:52 10 Q. IT'S ENTIRELY DEPENDANT UPON
11:32:53 11 DR. KNEUPER; RIGHT?

11:32:55 12 A. YES.

11:32:56 13 Q. AND DOES YOUR ANALYSIS -- WELL, STRIKE
11:33:05 14 THAT.

11:33:06 15 IF THE DATA SHOWED THAT GOLDEN BOY
11:33:11 16 PROMOTED PROFITABLE FIGHTS THAT WERE NOT ON BROADCAST
11:33:14 17 NETWORKS, WOULDN'T THAT IMPLY THAT NETWORK TIME-SLOT
11:33:19 18 AVAILABILITY IS NOT REQUIRED TO PROMOTE SUCCESSFUL
11:33:22 19 EVENTS?

11:33:22 20 MR. CESTERO: OBJECTION. IT'S VAGUE
11:33:26 21 AND AMBIGUOUS, AND IT'S AN INCOMPLETE HYPOTHETICAL,
11:33:31 22 AND IT MISSTATES THE DOCUMENT.

11:33:34 23 BUT GO AHEAD.

11:33:35 24 THE DEPONENT: OKAY. AGAIN, I -- I
11:33:36 25 MY -- MY DAMAGES ANALYSIS FLOWS FROM DR. KNEUPER'S

DEPOSITION OF GENE DEETZ

12:13:03 1 AND AMBIGUOUS, LACKS --
12:13:05 2 THE DEPONENT: AND EXCLUDING THE --
12:13:05 3 MR. CESTERO: -- LACKS FOUNDATION.
12:13:07 4 GO AHEAD.
12:13:07 5 DEPOSITION OFFICER: PLEASE HOLD ON.
12:13:07 6 THE DEPONENT: YEAH. NO. ALL I
12:13:07 7 CAN -- I EXCLUDED THE INTERNATIONAL REVENUE EXPENSES
12:13:10 8 AND OPERATING PROFIT OR LOSS.
12:13:12 9 BY MR. WOLFSON:
12:13:12 10 Q. DOES THIS INCLUDE FIGHTS THAT WERE
12:13:14 11 PROMOTED IN MEXICO?
12:13:15 12 MR. CESTERO: OBJECTION. IT'S VAGUE
12:13:16 13 AND AMBIGUOUS.
12:13:16 14 THE DEPONENT: YEAH. I DON'T -- I
12:13:17 15 DON'T HAVE -- I DON'T HAVE ANY SPECIFIC RECOLLECTION
12:13:18 16 OF ANY OF THE COUNTRIES OR ANY OF THE FIGHTERS.
12:13:32 17 BY MR. WOLFSON:
12:13:32 18 Q. SO GOING BACK TO WHAT "INCOME FROM
12:13:35 19 BOXING OPERATIONS IS," IT DOES NOT INCLUDE
12:13:36 20 INTERNATIONAL FIGHTS AND IT DOES NOT INCLUDE
12:13:37 21 CORPORATE OVERHEAD?
12:13:37 22 IS THAT WHAT YOU SAID?
12:13:38 23 A. THAT'S HOW I GENERALLY DESCRIBE IT,
12:13:41 24 YES.
12:13:41 25 Q. WHY WAS CORPORATE OVERHEAD EXCLUDED?

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

12:13:43 1 A. BECAUSE ALL OF THE -- ALL OF THE
12:13:45 2 DIRECT EXPENSES OF THE FIGHT ARE INCLUDED IN THE
12:13:49 3 FIGHTER -- IN THE FIGHT P & L, THE EVENT P & L, AND THE
12:13:50 4 FIGHTER-BY-FIGHTER P & L.

12:13:52 5 AND IT'S A VERY DETAILED CALCULATION.
12:13:57 6 SO TO THE EXTENT THERE WOULD BE A PARTICULAR PIECE OF
12:14:00 7 CORPORATE OVERHEAD, I EXCLUDED THAT IN ALL PERIODS.
12:14:05 8 SO I'M DEALING WITH THE ACTUAL FIGHTER OPERATIONS OF
12:14:08 9 GOLDEN BOY -- DOMESTIC FIGHTER OPERATIONS OF GOLDEN
12:14:11 10 BOY.

12:14:11 11 Q. SO "INCOME FROM BOXING OPERATIONS"
12:14:13 12 ISN'T THE ACTUAL PROFIT THAT GOLDEN BOY RECEIVED IN
12:14:18 13 EACH OF THESE YEARS, IS IT?

12:14:19 14 MR. CESTERO: OBJECTION. THAT'S VAGUE
12:14:22 15 AND AMBIGUOUS.

12:14:22 16 THE DEPONENT: THEY HAVE -- IF YOU
12:14:23 17 LOOK AT THEIR FINANCIAL STATEMENTS OR IF YOU LOOK AT
12:14:25 18 THE DETAILED WORKBOOKS, THERE IS CORPORATE OVERHEAD
12:14:32 19 THAT IS -- THAT IS -- THAT WOULD REDUCE THESE NUMBERS
12:14:36 20 THAT I HAVE EXCLUDED, AND I'M FOCUSING JUST ON THE
12:14:40 21 FIGHTING OPERATIONS.

12:14:41 22 BY MR. WOLFSON:

12:14:41 23 Q. SO INCOME FROM BOXING OPERATIONS IS
12:14:42 24 NOT NET INCOME, IS IT?

12:14:45 25 MR. CESTERO: OBJECTION. IT'S VAGUE

DEPOSITION OF GENE DEETZ

12:14:46 1 AND AMBIGUOUS.

12:14:49 2 THE DEPONENT: IT'S -- IT'S -- IT'S

12:14:50 3 THE -- IT'S THE NET INCOME -- IT'S THE NET FROM

12:14:52 4 BOXING OPERATIONS, BUT IT WOULD NOT BE NET INCOME IF

12:14:54 5 YOU'RE REFERRING TO A -- A MEASURE THAT WOULD -- THAT

12:14:57 6 WOULD -- FROM THAT THAT WOULD DEDUCT CORPORATE

12:14:59 7 OVERHEAD.

12:14:59 8 BY MR. WOLFSON:

12:14:59 9 Q. SO -- AND WHEN I'M REFERRING TO "NET

12:15:02 10 INCOME," I'M REFERRING TO IT IN THE STATE -- IN THE

12:15:05 11 CONTEXT OF A -- OF A FINANCIAL STATEMENT WHERE THE

12:15:10 12 COMPANY'S NET INCOME IS DEFINED AS THAT.

12:15:16 13 INCOME FROM BOXING OPERATIONS IS NOT

12:15:19 14 NET INCOME AS IT IS DESCRIBED IN GOLDEN BOY'S OWN

12:15:21 15 FINANCIAL STATEMENTS, IS IT?

12:15:23 16 MR. CESTERO: WELL, OBJECTION. THAT'S

12:15:24 17 VAGUE AND AMBIGUOUS.

12:15:31 18 THE DEPONENT: I'D -- I'D HAVE TO

12:15:31 19 LOOK, BUT I BELIEVE YOU'RE CORRECT.

12:15:33 20 I THINK THERE IS A -- THE "NET INCOME"

12:15:35 21 LINE IN THEIR -- CERTAINLY IN THEIR AUDITED FINANCIAL

12:15:37 22 STATEMENTS, THE "NET INCOME" LINE WOULD BE AFTER

12:15:39 23 REDUCING IT FOR CORPORATE OVERHEAD.

12:15:59 24 BY MR. WOLFSON:

12:15:59 25 Q. AND IF GOLDEN BOY'S NET INCOME FOR

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

12:16:03 1 2015 INCLUDED THE 14 MILLION DOLLARS IN PAYMENTS IT
12:16:08 2 RECEIVED FROM THE HAYMON ENTITIES, IS THERE ANY
12:16:13 3 REASON THAT YOU DID NOT INCLUDE THAT IN YOUR
12:16:16 4 ANALYSIS?

12:16:16 5 MR. CESTERO: OBJECTION. IT'S VAGUE
12:16:17 6 AND AMBIGUOUS, LACKS FOUNDATION, CALLS FOR
12:16:22 7 SPECULATION, MISSTATES THE RECORD, AND ASSUMES FACTS
12:16:24 8 NOT IN EVIDENCE.

12:16:31 9 THE DEPONENT: SO THE -- THE REASON --
12:16:32 10 AND I PUT IN PARAGRAPH 49 THE REASONS WHY I DIDN'T
12:16:35 11 INCLUDE THE 14 MILLION THAT GOLDEN BOY RECEIVED IN MY
12:16:38 12 ANALYSIS.

12:16:39 13 BY MR. WOLFSON:

12:16:39 14 Q. UH-HUH. AND IS IT CORRECT, THEN, THAT
12:16:43 15 YOUR DAMAGES ANALYSIS DOES NOT REDUCE YOUR DAMAGES
12:16:48 16 CONCLUSIONS IN ANY WAY BY THE 14 MILLION DOLLARS THAT
12:16:52 17 GOLDEN BOY RECEIVED IN JANUARY AND MARCH 2015 FOR THE
12:17:02 18 TERMINATION OF CERTAIN EXCLUSIVE PROMOTIONAL RIGHTS
12:17:05 19 TO THOSE 22 TO 23 HAYMON BOXERS?

12:17:10 20 MR. CESTERO: OBJECTION. IT MISSTATES
12:17:15 21 THE WITNESS'S TESTIMONY. IT MISSTATES THE DOCUMENT.
12:17:15 22 IT MISSTATES THE RECORD.

12:17:17 23 GO AHEAD.

12:17:17 24 THE DEPONENT: IT DOESN'T INCLUDE THE
12:17:18 25 14 MILLION.

DEPOSITION OF GENE DEETZ

12:17:20 1 BY MR. WOLFSON:
12:17:20 2 Q. IT DOESN'T REDUCE IT IN ANY WAY BASED
12:17:22 3 ON THE 14 MILLION?
12:17:24 4 A. IT DOES NOT.
12:17:25 5 Q. AND YOUR INCOME FROM BOXING OPERATIONS
12:17:27 6 DOES NOT IN ANY WAY REFLECT A REDUCTION BASED ON THE
12:17:31 7 14-MILLION-DOLLAR PAYMENTS; RIGHT?
12:17:32 8 MR. CESTERO: WELL, OBJECT.
12:17:33 9 CAN YOU READ THAT --
12:17:33 10 MR. WOLFSON: ACTUALLY, LET ME STRIKE
12:17:35 11 THAT.
12:17:35 12 MR. CESTERO: OKAY.
12:17:36 13 BY MR. WOLFSON:
12:17:36 14 Q. YOUR -- YOUR 2015 INCOME FROM BOXING
12:17:39 15 OPERATIONS DOES NOT REFLECT ANY INCREASES BASED ON
12:17:42 16 THE 14 MILLION DOLLARS THAT THEY RECEIVED FROM THE
12:17:47 17 HAYMON SPORTS ENTITY; RIGHT?
12:17:48 18 MR. CESTERO: OBJECTION. IT'S VAGUE
12:17:49 19 AND AMBIGUOUS. IT MISSTATES THE WITNESS'S TESTIMONY,
12:17:51 20 MISSTATES THE DOCUMENTS.
12:17:53 21 GO AHEAD.
12:17:53 22 THE DEPONENT: YEAH. THE -- THE --
12:17:55 23 IT'S NOT CONSIDERED AND IT'S NOT INCLUDED IN THE
12:17:57 24 CALCULATION.
12:18:06 25 / / /

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kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

14:39:14 1 DAMAGES THAT GOLDEN BOY HAS ALREADY INCURRED?

14:39:16 2 A. THAT'S CORRECT.

14:39:19 3 Q. AND THEN IF YOU GO TO THE NEXT COLUMN,

14:39:20 4 IT SAYS "DECEMBER 31ST, 2016"?

14:39:22 5 A. THAT'S CORRECT.

14:39:23 6 Q. AND SO THOSE ARE THE DAMAGES FROM

14:39:25 7 JUNE 30TH THROUGH -- OR JUNE -- JULY 1ST -- STRIKE

14:39:29 8 THAT QUESTION.

14:39:30 9 SO THOSE DAMAGES ARE YOUR ESTIMATES

14:39:31 10 FOR JULY 1ST THROUGH DECEMBER 31ST, 2016?

14:39:35 11 A. THAT'S CORRECT.

14:39:37 12 Q. AND THEN THE NEXT COLUMN IS 2017?

14:39:40 13 A. THAT'S CORRECT.

14:39:40 14 Q. AND SO THOSE ARE YOUR ESTIMATES FOR

14:39:43 15 DAMAGES IN 2017?

14:39:44 16 A. THAT'S CORRECT.

14:39:44 17 Q. AND THEN THE NEXT COLUMN IS 2018?

14:39:48 18 A. THAT'S CORRECT.

14:39:49 19 Q. AND THAT IS YOUR DAMAGE ESTIMATES FOR

14:39:50 20 THE YEAR 2018?

14:39:52 21 A. THAT'S CORRECT.

14:39:52 22 Q. AND THEN THE FINAL IS "FUTURE

14:39:54 23 PERIODS"?

14:39:55 24 A. THAT'S CORRECT.

14:39:55 25 Q. AND YOUR DAMAGES ESTIMATE THERE IS FOR

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Kelli Norden and Associates
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11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

14:39:58 1 FUTURE PERIODS OF UNSPECIFIED YEARS?

14:40:01 2 A. RIGHT.

14:40:05 3 Q. OKAY. THE NEXT COLUMN, THEN, IS THE
14:40:07 4 RAW NUMBERS AS YOU ADD UP EACH OF THE PRECEDING
14:40:11 5 COLUMNS; IS THAT RIGHT?

14:40:12 6 A. THAT'S RIGHT. IN -- IN ASCENDING
14:40:13 7 ORDER FROM -- FROM THE -- THE 2016 PERIOD, THEN 2017
14:40:19 8 PERIOD ADDED, THEN THE 2018 PERIOD, AND THEN THE
14:40:24 9 EXTENDED PERIOD.

14:40:26 10 Q. OKAY. GOT IT.

14:40:27 11 AND THEN THE NEXT COLUMN IS:

14:40:29 12 "DAMAGES ADJUSTED FOR DISCOUNTING
14:40:30 13 AND FORECAST INDUSTRY GROWTH"?

14:40:33 14 A. THAT'S CORRECT.

14:40:33 15 Q. SO WHAT -- WHAT IS THAT COLUMN
14:40:35 16 SHOWING?

14:40:35 17 A. WELL, THAT TAKES INTO ACCOUNT THAT
14:40:42 18 EVEN THOUGH MY REPORTS AT SEPTEMBER 16TH, IT TAKES
14:40:45 19 INTO ACCOUNT AS IF JUNE 30TH.

14:40:47 20 SO THERE'S TWO THINGS THAT HAPPENED
14:40:47 21 THERE. ONE IS THAT I'M CONVERTING THOSE TO A
14:40:51 22 JUNE 30TH DATE.

14:40:52 23 Q. UH-HUH.

14:40:52 24 A. AND THEN I'M ALSO ADJUSTING THEM FOR
14:40:54 25 INDUSTRY GROWTH OR INDUSTRY DECLINE FROM THE

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Court Reporters
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Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

15:44:43 1 UNDERSTANDING ONE WAY OR ANOTHER, OTHER THAN WHAT'S
15:44:45 2 LISTED HERE.

15:44:46 3 BY MR. WOLFSON:

15:44:46 4 Q. OKAY. AND IN APPENDIX 4, WHEN YOU
15:44:47 5 REFER TO "BROADCASTING NETWORKS" AS "FOX" --

15:44:49 6 DO YOU SEE THAT?

15:44:49 7 A. YES.

15:44:50 8 Q. -- THAT WOULD BE YOUR UNDERSTANDING OF
15:44:51 9 WHICH ENTITY THAT HAYMON BROAD -- OR HAYMON HAD A
15:44:55 10 CONTRACT WITH?

15:44:56 11 MR. CESTERO: OBJECTION. THAT'S VAGUE
15:44:57 12 AND AMBIGUOUS.

15:44:58 13 THE DEPONENT: YEAH. WITHIN THE --
15:44:59 14 WITHIN WHAT MAY BE THE GLOBAL FOX ENTITIES, I DON'T
15:45:03 15 HAVE ANY SPECIFIC UNDERSTANDING.

15:45:04 16 BY MR. WOLFSON:

15:45:04 17 Q. OKAY. DO YOU KNOW WHETHER THE
15:45:06 18 CONTRACT THAT HAYMON HAD WITH A FOX ENTITY WAS
15:45:11 19 WITH -- WELL, STRIKE THAT.

15:45:12 20 DO YOU KNOW WHETHER HAYMON HAD A
15:45:13 21 CONTRACT WITH A DIFFERENT FOX ENTITY THAN GOLDEN BOY
15:45:17 22 DID?

15:45:18 23 A. I -- I DON'T KNOW.

15:45:26 24 Q. OKAY. DO YOU KNOW WHETHER HAYMON'S
15:45:27 25 CONTRACT WITH FOX PRECLUDED GOLDEN BOY FROM

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DEPOSITION OF GENE DEETZ

15:45:32 1 CONTINUING ITS CONTRACTS WITH FOX SPORTS EN
15:45:34 2 ESPANOL?
15:45:41 3 MR. CESTERO: OBJECTION. IT CALLS FOR
15:45:42 4 A LEGAL CONCLUSION.
15:45:42 5 THE DEPONENT: YEAH. I -- I --
15:45:42 6 MR. CESTERO: GO AHEAD.
15:45:42 7 THE DEPONENT: I DON'T -- I DON'T
15:45:44 8 KNOW.
15:45:46 9 BY MR. WOLFSON:
15:45:46 10 Q. OKAY.
15:45:46 11 A. I DON'T KNOW IF IT EXCLUDES THAT OR
15:45:46 12 NOT.
15:45:46 13 Q. DID YOU ASK ANYONE AT GOLDEN BOY THEIR
15:45:48 14 UNDERSTANDING OF THAT ISSUE?
15:45:50 15 A. I DON'T RECALL DOING THAT, NO.
15:46:06 16 Q. NOW, IS YOUR DAMAGES MODEL ABLE TO
15:46:09 17 ASSESS WHETHER GOLDEN BOY WAS PRECLUDED FROM
15:46:15 18 PROMOTING SPECIFIC FIGHTS ON ANY OF THE NETWORKS
15:46:19 19 LISTED IN PARAGRAPH 33?
15:46:21 20 MR. CESTERO: OBJECTION. IT'S VAGUE
15:46:22 21 AND AMBIGUOUS.
15:46:30 22 THE DEPONENT: THE DAMAGES MODEL DEALS
15:46:32 23 WITH THE RECORDS THAT ARE IN THE GOLDEN BOY FINANCIAL
15:46:37 24 INFORMATION FOR BOXING OPERATIONS, THE L.L.C. OR THE
15:46:40 25 INC., THAT WE'VE -- WE'VE DISCUSSED ABOUT.

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

15:46:42 1 SO THE MODEL DEALS WITH WHAT'S THERE
15:46:44 2 AND WHAT'S BEEN RECORDED FOR REVENUE AND INCOME FROM
15:46:49 3 BOXING OPERATIONS.
15:46:50 4 AND SO THAT WOULD BE THE BASIS ON THE
15:46:51 5 DAMAGE CALCULATIONS, ON WHAT'S IN THERE.
15:46:54 6 SO I THINK THE QUESTION INCLUDED THE
15:46:55 7 WORD "PRECLUDED." AND SO IT DOESN'T -- IT DOESN'T --
15:47:00 8 IT DOESN'T CALCULATE -- MAKE THE CALCULATION BASED ON
15:47:04 9 ANYTHING OTHER THAN WHAT'S ACTUALLY IN THE RECORDS OF
15:47:06 10 THE COMPANY.

15:47:15 11 BY MR. WOLFSON:

15:47:15 12 Q. ARE YOU AWARE -- YOU SAID THAT YOU'VE
15:47:16 13 REVIEWED THE TOP RANK SETTLEMENT WITH THE HAYMON
15:47:19 14 ENTITIES?

15:47:19 15 A. I'VE READ IT, YES.

15:47:19 16 Q. AND YOU'VE READ THE -- THE CLAUSE IN
15:47:22 17 THAT SETTLEMENT THAT SAYS HAYMON WILL REMOVE ITS
15:47:24 18 EXCLUSIVITY PROVISIONS WITH -- IN ITS NETWORK
15:47:27 19 CONTRACTS?

15:47:27 20 MR. CESTERO: I'LL OBJECT. THE
15:47:28 21 DOCUMENT SPEAKS FOR ITSELF, AND THAT MISSTATES THE
15:47:31 22 RECORD.

15:47:32 23 GO AHEAD.

15:47:33 24 THE DEPONENT: I -- I -- I -- I'VE
15:47:35 25 READ THE DOCUMENT, AND I HAVE A GENERAL RECOLLECTION

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Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

15:50:26 1 SIR?

15:50:28 2 THE DEPONENT: CAN I HAVE IT BACK,
15:50:30 3 PLEASE, RICHARD?

15:50:30 4 MR. CESTERO: YES.

15:50:31 5 (DOCUMENT HANDED TO THE DEPONENT.)

15:50:31 6 THE DEPONENT: EXCUSE ME.

15:50:31 7 THE DIFFERENCE BETWEEN SCENARIO 3 AND
15:50:34 8 SCENARIO 4 IS THAT THE DAMAGES EXTEND BEYOND 2018.

15:50:38 9 BY MR. KUMAR:

15:50:38 10 Q. AND WHAT IS THE BASIS FOR YOUR
15:50:40 11 ASSUMPTION THAT THE DAMAGES CAN EXTEND PAST 2018 IN
15:50:43 12 SCENARIO 4?

15:50:45 13 MR. CESTERO: OBJECTION. THE DOCUMENT
15:50:46 14 SPEAKS FOR ITSELF.

15:50:46 15 MR. WOLFSON: IT DOESN'T.

15:50:47 16 BY MR. WOLFSON:

15:50:47 17 Q. GO AHEAD.

15:50:48 18 A. OKAY. GIVE ME JUST A SECOND,
15:50:49 19 PLEASE.

15:50:49 20 Q. UH-HUH.

15:50:49 21 MR. CESTERO: IT DOES.

15:50:50 22 MR. WOLFSON: WELL, HE'S CONTRADICTING
15:50:52 23 WHAT IT SAYS, SO LET'S GO.

15:50:54 24 MR. CESTERO: THAT'S OKAY.

15:51:06 25 THE DEPONENT: SO IN -- AND I'M JUST

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11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
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DEPOSITION OF GENE DEETZ

15:51:07 1 GOING TO READ THIS, AND THEN I'LL -- I THINK THAT'S
15:51:08 2 THE ANSWER, BUT:

15:51:11 3 "SCENARIO 4 COMBINES ALL
15:51:11 4 OF THE EFFECTS SUMMARIZED IN
15:51:14 5 SCENARIOS 2 AND 3, BUT ALSO
15:51:16 6 CONSIDERS THE POSSIBILITY THAT
15:51:18 7 EITHER HAYMON DOES NOT CEASE
15:51:19 8 HIS ANTICOMPETITIVE CONDUCT, OR
15:51:21 9 THERE IS A PERMANENT CHANGE IN
15:51:23 10 GOLDEN BOY'S RELATIONSHIP WITH
15:51:27 11 THE MAJOR T.V. NETWORKS; ALL
15:51:31 12 BUT H.B.O. CONTINUE NOT TO PAY
15:51:33 13 LICENSING FEES; AND THAT THE
15:51:34 14 COST STRUCTURE IN THE AMOUNTS
15:51:35 15 PAID TO BOXERS REMAINS AT AN
15:51:38 16 INCREMENTAL LEVEL, AN INCREASED
15:51:40 17 LEVEL; AND EVEN WITH GOLDEN
15:51:42 18 BOY'S BEST EFFORTS IN OTHER
15:51:44 19 AVAILABLE AREAS TO MAKE
15:51:46 20 ADDITIONAL PROFIT, THEY DO NOT
15:51:48 21 RETURN TO A NORMAL LEVEL OF
15:51:50 22 PROFITABILITY."

15:51:53 23 "THIS DAMAGE CALCULATION
15:51:56 24 CONSIDERS THE DAMAGE TO GOLDEN
15:51:57 25 BOY TO BE PERMANENT IN NATURE."

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DEPOSITION OF GENE DEETZ

15:52:00 1 BY MR. WOLFSON:

15:52:00 2 Q. DO YOU KNOW THAT SPIKE IS CURRENTLY
15:52:02 3 PAYING LICENSE FEES?

15:52:07 4 DO YOU KNOW THAT?

15:52:07 5 A. I DON'T HAVE A SPECIFIC RECOLLECTION
15:52:09 6 ONE WAY OR THE OTHER.

15:52:10 7 Q. DO YOU KNOW THAT SHOWTIME CURRENTLY
15:52:12 8 PAYS LICENSE FEES?

15:52:14 9 A. I -- I -- I DON'T HAVE A SPECIFIC
15:52:17 10 RECOLLECTION ONE WAY OR THE OTHER.

15:52:18 11 Q. OKAY. WOULD THOSE FACTS CHANGE YOUR
15:52:20 12 DAMAGES NUMBERS HERE?

15:52:23 13 A. THEY WOULDN'T.

15:52:23 14 Q. NOT AT ALL?

15:52:23 15 A. NOT AT ALL.

15:52:24 16 Q. OKAY. SO YOU'RE SAYING -- OKAY.

15:52:31 17 EVEN THOUGH ONE OF THE ASSUMPTIONS
15:52:31 18 HERE FOR THIS PERMANENT CHANGE IS THAT ALL NETWORKS
15:52:35 19 BUT H.B.O. CONTINUE NOT TO PAY LICENSING FEES?

15:52:39 20 A. THE -- THE REASON I SAY THAT -- AND I
15:52:41 21 TIE IT BACK TO -- TO THE DR. KNEUPER -- IS THAT THIS
15:52:47 22 SAYS THAT IF THERE IS A PERMANENT CHANGE IN THE
15:52:50 23 STRUCTURE THAT GOLDEN BOY HAS TO OPERATE IN -- A
15:52:53 24 PERMANENT CHANGE, WHICH MAY OR MAY NOT BE THE CASE.

15:52:55 25 BUT IF -- IF THERE IS A PERMANENT

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

16:09:14 1 MAYBE NONE OF THEM -- CHANGE THEIR RELATIONSHIP;
16:09:18 2 DON'T CHANGE THEIR RELATIONSHIP.

16:09:21 3 ALL THAT'S GOING TO HAVE AN IMPACT,
16:09:21 4 BOTH ECONOMICALLY AND UNDER THE LAW -- WHICH I'M
16:09:23 5 DEFINITELY NOT OPINING ON.

16:09:26 6 BUT AT THE END OF THE DAY -- AND YOU
16:09:26 7 MIGHT HAVE A DIFFERENT PERMANENT RELATIONSHIP WITH
16:09:28 8 HOW YOU HAVE TO CONTRACT WITH YOUR BOXERS -- ALL OF
16:09:32 9 THAT GOES INTO THE FACT THAT THERE COULD BE ONE OR
16:09:37 10 ALL OF THOSE COMPONENTS THAT RESIDES PERMANENTLY AS A
16:09:40 11 RESULT OF HAYMON'S ACTION.

16:09:49 12 AND MAYBE -- MAYBE IT GOES AWAY
16:09:49 13 QUICKLY, LIKE I HAVE IN SCENARIO 1 AND SCENARIO 2.
16:09:50 14 AND MAYBE THERE'S A RESIDUE THAT THAT'S EMBEDDED
16:09:50 15 IN -- IN GOLDEN BOY FOR A LONGER PERIOD OF TIME.

16:09:52 16 SO IT'S -- IT'S -- IT'S ALL OF THOSE
16:09:53 17 TOGETHER.

16:09:54 18 Q. AND YOUR DAMAGES ANALYSIS DOES NOT
16:09:56 19 BREAK OUT THE COMPONENTS THAT ARE ATTRIBUTABLE TO
16:10:00 20 EACH OF THOSE ASPECTS OF THIS ALTERNATIVE?

16:10:05 21 MR. CESTERO: OBJECTION; VAGUE AND
16:10:06 22 AMBIGUOUS.

16:10:06 23 THE DEPONENT: YEAH. IT SAYS THAT IT
16:10:07 24 COULD COME FROM ALL OF THOSE OR SOME SUBSET OF
16:10:11 25 THOSE.

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DEPOSITION OF GENE DEETZ

16:10:12 1 BY MR. WOLFSON:

16:10:12 2 Q. HOW DOES IT BREAK OUT?

16:10:15 3 SO WHAT IF T.V. NETWORKS GO BACK TO

16:10:18 4 PAYING LICENSING FEES, DOES YOUR DAMAGES ANALYSIS IN

16:10:21 5 SCENARIO 4 TAKE INTO ACCOUNT THAT?

16:10:23 6 MR. CESTERO: OBJECTION; VAGUE AND

16:10:24 7 AMBIGUOUS, INCOMPLETE HYPOTHETICAL.

16:10:25 8 THE DEPONENT: THE ASSUMPTION IN THIS

16:10:30 9 ANALYSIS IS DRIVEN FROM THE DAMAGES THAT ARE -- THAT

16:10:31 10 ARE IN THE YEARS THAT WE HAVE AND CARRIES US INTO THE

16:10:34 11 FUTURE.

16:10:35 12 AND THE ASSUMPTION IS THAT THE -- THE

16:10:39 13 TOTAL MIX OF -- OF -- OF THESE PARTICULAR FACTORS

16:10:41 14 RESULT IN THESE DAMAGES.

16:10:45 15 Q. AND ONE OF THOSE FACTORS IS THAT ALL

16:10:47 16 BUT H.B.O. CONTINUE TO NOT PAY LICENSE FEES; RIGHT?

16:10:54 17 A. I -- THAT'S WHAT IT SAYS HERE, YES.

16:10:55 18 Q. OKAY. AND DOES YOUR DAMAGES ANALYSIS

16:10:58 19 BREAK OUT OR ACCOUNT FOR WHAT HAPPENS IF SOME

16:11:00 20 NETWORKS DO START GOING BACK TO PAYING LICENSING

16:11:03 21 FEES?

16:11:03 22 A. IT -- IT -- AND THAT ASSUMPTION IS

16:11:04 23 THAT THE COUNTER-BALANCING EFFECT OF ALL THESE

16:11:07 24 RESULTS IN THE DAMAGES THAT I'VE -- I'VE LISTED

16:11:08 25 HERE.

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Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

16:11:09 1 Q. OKAY. SO ALL OF THESE ARE NECESSARY
16:11:10 2 FACTORS IN ORDER TO GET TO THE NUMBERS LISTED AT THE
16:11:15 3 END OF SCENARIO 4?

16:11:16 4 MR. CESTERO: OBJECTION; VAGUE AND
16:11:16 5 AMBIGUOUS, MISSTATES THE WITNESS'S TESTIMONY.

16:11:19 6 THE DEPONENT: NO, I -- NO. THE --
16:11:20 7 THE -- THAT INTERACTION OF ALL THEM, IT RESULTS IN
16:11:23 8 THESE AMOUNTS.

16:11:23 9 BY MR. WOLFSON:

16:11:23 10 Q. SO IF -- IF SHOWTIME, FOX, AND N.B.C.
16:11:30 11 ARE WILLING TO PAY A LICENSING FEES FOR GOLDEN
16:11:35 12 BOY-PROMOTED FIGHTS, BUT GOLDEN BOY HAS TO PAY
16:11:40 13 INCREASED AMOUNTS TO BOXERS DUE TO THE HAYMON
16:11:46 14 DEFENDANTS' ACTIVITIES, HOW DOES THIS DAMAGES
16:11:48 15 ANALYSIS ACCOUNT FOR THAT SITUATION?

16:11:51 16 MR. CESTERO: OBJECTION. IT'S VAGUE
16:11:52 17 AND AMBIGUOUS, AND IT'S --

16:11:52 18 THE DEPONENT: IN -- IN --

16:11:54 19 MR. CESTERO: -- AN INCOMPLETE
16:11:54 20 HYPOTHETICAL.

16:11:54 21 GO AHEAD.

16:11:55 22 THE DEPONENT: ALL RIGHT. IN THIS
16:11:56 23 ANALYSIS, IT ASSUMED THAT THE NET RESULT OF THAT IS
16:11:59 24 THESE DAMAGES.

16:12:00 25 / / /

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DEPOSITION OF GENE DEETZ

16:12:00 1 BY MR. WOLFSON:

16:12:00 2 Q. NO MATTER WHAT THE ACTUAL FACTS END UP

16:12:03 3 BEING WITHIN THESE VARIOUS DIFFERENT FACTORS?

16:12:05 4 MR. CESTERO: OBJECTION; VAGUE AND

16:12:06 5 AMBIGUOUS.

16:12:06 6 THE DEPONENT: THAT'S CORRECT. IT --

16:12:07 7 IT -- IT IMPLIES -- IT -- THE -- THE ASSUMPTION IS

16:12:09 8 THAT THE END RESULT OF A PERMANENT CHANGE IS MEASURED

16:12:13 9 BY THIS -- THESE AMOUNTS.

16:12:18 10 BY MR. WOLFSON:

16:12:18 11 Q. ARE YOU OPINING THAT THERE HAS BEEN

16:12:19 12 ANY PERMANENT CHANGE?

16:12:26 13 A. NO.

16:12:27 14 I'M OPINING THAT I DON'T KNOW IF THERE

16:12:29 15 HAS BEEN OR HASN'T. AND I PROVIDED A RANGE OF

16:12:32 16 DAMAGES STARTING WITH JUNE 30TH OF '16 -- WHICH IS IN

16:12:35 17 OUR REAR-VIEW MIRROR -- THROUGH ONE THAT'S MORE

16:12:38 18 PERMANENT IN NATURE. AND I DID MY BEST TO DESCRIBE

16:12:40 19 WHAT THAT MIGHT LOOK LIKE.

16:13:21 20 Q. IS YOUR DAMAGES ANALYSIS ABLE TO BREAK

16:13:23 21 OUT THE HARM TO GOLDEN BOY FROM ITS INABILITY TO

16:13:33 22 OBTAIN NETWORK TIMESLOT AVAILABILITY --

16:13:33 23 DEPOSITION OFFICER: ONE MORE TIME. I

16:13:33 24 COULDN'T HEAR YOU.

16:13:33 25 / / /

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Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

16:13:33 1 BY MR. WOLFSON:

16:13:33 2 Q. IS YOUR DAMAGES ANALYSIS ABLE TO BREAK
16:13:36 3 OUT THE HARM GOLDEN BOY SUFFERED FROM ITS INABILITY
16:13:39 4 TO GET NETWORK TIMESLOT AVAILABILITY VERSUS ITS
16:13:43 5 INABILITY TO PROMOTE CHAMPIONSHIP-CALIBER BOXERS?

16:13:48 6 MR. CESTERO: OBJECTION. IT'S VAGUE
16:13:49 7 AND AMBIGUOUS. IT'S INCOMPLETE HYPOTHETICAL.

16:13:54 8 THE DEPONENT: THE -- THE DAMAGE
16:13:55 9 ANALYSIS LOOKS AT THE TOTAL SOURCES OF REVENUE AND
16:13:58 10 EXPENSE IN THE -- IN THE '14 BASE YEAR COMPARED TO
16:14:02 11 '15 AND '16.

16:14:03 12 SO THAT WOULD BE A COMPONENT PART OF
16:14:06 13 ALL OF THE ACTUAL INCOME AND EXPENSES IN '14 MEASURED
16:14:10 14 AGAINST '15 AND '16.

16:14:12 15 BY MR. WOLFSON:

16:14:12 16 Q. SO THE ANSWER'S "NO"?

16:14:13 17 MR. CESTERO: OBJECTION; MISSTATES THE
16:14:15 18 WITNESS'S TESTIMONY, AND IT'S ARGUMENTATIVE.

16:14:26 19 THE DEPONENT: IT -- IT INCORPORATES
16:14:27 20 EVERYTHING. SO TO -- IN THAT -- THAT EXTENT, IF
16:14:29 21 IT'S -- IF IT'S AN ITEM OF REVENUE OR EXPENSE, I'VE
16:14:32 22 CAPTURED IT.

16:14:33 23 BUT I HAVEN'T LISTED OR ATTEMPTED TO
16:14:35 24 LIST ANY PARTICULAR INDIVIDUAL ITEM AND COMPARE IT TO
16:14:38 25 ANY OTHER INDIVIDUAL ITEM.

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

16:14:40 1 BY MR. WOLFSON:

16:14:40 2 Q. SO MY QUESTION IS: IF THE -- SO, FOR
16:14:43 3 EXAMPLE, IF THERE HAS BEEN NO EXCLUSIVITY ON NETWORKS
16:14:51 4 FOR BOXING PROGRAMMING SINCE MAY 2016, IS YOUR
16:14:59 5 DAMAGES ANALYSIS ABLE TO ACCOUNT FOR THAT FACT?

16:15:02 6 MR. CESTERO: OBJECTION. INCOMPLETE
16:15:04 7 HYPOTHETICAL, ASSUMES FACTS.

16:15:07 8 THE DEPONENT: IT -- IT -- IT WOULD
16:15:09 9 TAKE YOU -- TWO THINGS.

16:15:12 10 THIS DAMAGES ANALYSIS FOCUSES ON
16:15:13 11 KNEUPER'S DAMAGE THEORY, WHICH HAS ALL OF THE
16:15:16 12 COMPONENTS OF THE ANTICOMPETITIVE BEHAVIOR IN IT.

16:15:20 13 AND THAT -- THAT HYPOTHETICAL WOULD
16:15:21 14 REQUIRE ALL OF THE ELEMENTS OF INCOME AND EXPENSE,
16:15:25 15 AND ALL OF THE DYNAMICS THAT MIGHT GO INTO HOW IT
16:15:28 16 WOULD IMPACT OTHER AREAS OF BOXING OPERATIONS.

16:15:31 17 SO I WOULDN'T HAVE AN OPINION ON
16:15:32 18 THAT.

16:15:32 19 BY MR. WOLFSON:

16:15:32 20 Q. OKAY. SO -- BUT MY QUESTION IS, SIR,
16:15:35 21 THAT YOUR DAMAGES ANALYSIS IS NOT ABLE TO ACCOUNT FOR
16:15:40 22 THE WORLD AS IT IS IF THE FACTS ARE THAT THERE WAS NO
16:15:44 23 NETWORK EXCLUSIVITY AS OF MAY 2016?

16:15:53 24 MR. CESTERO: OBJECTION; VAGUE AND
16:15:53 25 AMBIGUOUS, MISSTATES THE FACTS.

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Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

16:15:55 1 THE DEPONENT: AND I APOLOGIZE.
16:15:56 2 COULD YOU READ IT BACK REAL QUICK.

16:15:32 3 (THE RECORD WAS READ AS FOLLOWS:
16:15:32 4 Q. OKAY. SO -- BUT MY QUESTION
16:15:34 5 IS, SIR, THAT YOUR DAMAGES
16:15:36 6 ANALYSIS IS NOT ABLE TO ACCOUNT
16:15:38 7 FOR THE WORLD AS IT IS IF THE FACTS
16:15:42 8 ARE THAT THERE WAS NO NETWORK
16:15:44 9 EXCLUSIVITY AS OF MAY 2016?)

16:16:27 10 THE DEPONENT: ONE MORE TIME.
16:15:32 11 (THE RECORD WAS READ AS FOLLOWS:
16:15:32 12 Q. OKAY. SO -- BUT MY QUESTION
16:15:34 13 IS, SIR, THAT YOUR DAMAGES
16:15:36 14 ANALYSIS IS NOT ABLE TO ACCOUNT
16:15:38 15 FOR THE WORLD AS IT IS IF THE FACTS
16:15:42 16 ARE THAT THERE WAS NO NETWORK
16:15:44 17 EXCLUSIVITY AS OF MAY 2016?)

16:16:28 18 THE DEPONENT: I'M SORRY. THE WORLD
16:16:29 19 AS IT IS? THAT'S WHAT I WAS STRUGGLING WITH.

16:16:32 20 I APOLOGIZE.
16:16:32 21 I HAVE THE ACTUAL RESULTS FOR '14,
16:16:33 22 '15, '16.

16:16:34 23 BY MR. WOLFSON:

16:16:34 24 Q. UH-HUH.

16:16:34 25 A. SO THE WORLD -- THAT'S THE WORLD AS IT

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Court Reporters
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11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

16:16:37 1 IS.

16:16:37 2 Q. AND IF -- BUT IN UNDERPINNING YOUR

16:16:41 3 OPINING THAT GOLDEN BOY HAS BEEN DAMAGED IS THAT

16:16:45 4 THERE WERE EXCLUSIVE NETWORK CONTRACTS THAT PREVENTED

16:16:48 5 IT FROM OBTAINING NETWORK TIMESLOT AVAILABILITY?

16:16:56 6 MR. CESTERO: OBJECTION; MISSTATES THE

16:16:56 7 WITNESS'S TESTIMONY, ASKED AND ANSWERED.

16:16:57 8 THE DEPONENT: IT -- IT -- IT'S DRIVEN

16:16:58 9 BY KNEUPER'S OPINION ON LIABILITY.

16:17:00 10 BY MR. WOLFSON:

16:17:00 11 Q. AND IF KNEUPER'S OPINION IS THAT THE

16:17:03 12 EXCLUSIVE NETWORK CONTRACTS CAUSED GOLDEN BOY DAMAGE

16:17:08 13 AND THE FACT IS INCORRECT, THEN YOUR DAMAGES ANALYSIS

16:17:13 14 CANNOT ACCOUNT FOR THAT INCORRECTNESS?

16:17:22 15 MR. CESTERO: ARE YOU GOING TO

16:17:23 16 WITHDRAW THAT ONE OR ARE YOU --

16:17:24 17 MR. WOLFSON: LET ME -- LET ME PULL

16:17:24 18 THAT BACK.

16:17:24 19 MR. CESTERO: I WISH WE HAD YOU ON

16:17:25 20 CAMERA ON THAT ONE.

16:17:27 21 MR. WOLFSON: WEBSTER'S MIGHT -- MIGHT

16:17:29 22 BLUSH AT THAT ONE.

16:17:31 23 BY MR. WOLFSON:

16:17:31 24 Q. THE -- IF DR. KNEUPER'S WRONG THAT

16:17:36 25 THERE WAS DAMAGE TO GOLDEN BOY DUE TO EXCLUSIVE

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

16:17:39 1 CONTRACTS BECAUSE THERE WERE NO EXCLUSIVE CONTRACTS
16:17:41 2 AFTER MAY 2016, IS IT ALSO CORRECT THAT YOUR DAMAGE
16:17:49 3 ANALYSIS CANNOT ACCOUNT FOR THE LACK OF
16:17:53 4 EXCLUSIVITY?

16:17:54 5 MR. CESTERO: OBJECTION. THAT'S AN
16:17:54 6 INCOMPLETE HYPOTHETICAL, AND IT'S VAGUE AND
16:17:56 7 AMBIGUOUS.

16:18:02 8 THE DEPONENT: THE -- THE -- AGAIN,
16:18:03 9 THE DAMAGE -- THE DAMAGE MODEL THAT I'VE DONE, AND I
16:18:04 10 HAVE AN OPINION ON, ASSUMES KNEUPER'S THEORY OF
16:18:09 11 LIABILITY.

16:18:10 12 AND I WOULD HAVE TO UNDERSTAND THE
16:18:11 13 FULL CIRCUMSTANCES OF ANY CHANGE IN HIS OPINION
16:18:13 14 BEFORE I COULD RESPOND TO THAT.

16:18:14 15 BY MR. WOLFSON:

16:18:14 16 Q. AND IF THE -- HIS OPINION HAD TO
16:18:15 17 CHANGE BECAUSE THERE WAS NO EXCLUSIVITY IN HAYMON'S
16:18:20 18 NETWORK CONTRACTS AS OF MAY 2016, YOU WE HAVE TO
16:18:25 19 REVISE YOUR DAMAGES ESTIMATES; ISN'T THAT RIGHT?

16:18:27 20 MR. CESTERO: OBJECTION; MISSTATES THE
16:18:28 21 WITNESS'S TESTIMONY. IT'S AN INCOMPLETE
16:18:31 22 HYPOTHETICAL.

16:18:31 23 THE DEPONENT: YEAH. I WOULD HAVE TO
16:18:32 24 SEE WHAT THAT LOOKED LIKE IN -- IN A COMPREHENSIVE
16:18:34 25 SENSE.

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

16:18:35 1 AND AS I SIT HERE TODAY, I WOULDN'T

16:18:37 2 HAVE AN OPINIONS ONE WAY OR THE OTHER.

16:18:40 3 BY MR. WOLFSON:

16:18:40 4 Q. OKAY. YOU DON'T KNOW AS OF TODAY?

16:18:42 5 A. THAT'S RIGHT.

16:19:18 6 Q. COULD YOU TURN TO PAGE -- PARAGRAPH

16:19:19 7 20. YOU SEE HERE, YOU SAY:

16:19:22 8 "IN 2015 AND 2016, GOLDEN

16:19:26 9 BOY EXPERIENCED A DECLINE IN

16:19:27 10 THE NUMBER OF GOLDEN

16:19:29 11 BOY-PROMOTED

16:19:29 12 CHAMPIONSHIP-CALIBER- BOXER

16:19:31 13 BROADCAST TELEVISION EVENTS AND

16:19:33 14 ASSOCIATED REVENUES, AND A

16:19:38 15 DECLINE IN THE NUMBER OF

16:19:40 16 CHAMPIONSHIP-CALIBER BOXERS ON

16:19:41 17 TELEVISED EVENTS."

16:19:43 18 DO YOU SEE THAT?

16:19:43 19 A. YES.

16:19:44 20 Q. AND IS THE BASIS FOR THIS -- THIS

16:19:49 21 OPINION EXHIBIT 1, WHICH YOU UPDATED TODAY?

16:19:52 22 A. I BELIEVE IT IS IN PART. IT CERTAINLY

16:19:54 23 IN PART IS.

16:19:55 24 MR. WOLFSON: OKAY. I'LL NOTE FOR THE

16:19:56 25 RECORD THAT WE RECEIVED THE UPDATE OF EXHIBIT 1

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Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

16:19:58 1 DURING THE DEPOSITION.

16:20:05 2 BY MR. WOLFSON:

16:20:05 3 Q. IN -- IN THIS PARAGRAPH, YOU ONLY
16:20:07 4 REFER TO GOLDEN BOY'S PERFORMANCE IN 2015 AND 2016
16:20:10 5 WITH RESPECT TO PROMOTION OF, QUOTE,
16:20:11 6 "CHAMPIONSHIP-CALIBER BOXERS."

16:20:13 7 DO YOU SEE THAT?

16:20:14 8 A. CHAMPIONSHIP-CALIBER BOXER --
16:20:16 9 BROADCAST TELEVISION EVENTS AND CHAMPIONSHIP-CALIBER
16:20:18 10 BOXERS. YES, I DO.

16:20:19 11 THANK YOU.

16:20:21 12 Q. WHY DO YOU MENTION ONLY PROMOTION OF
16:20:24 13 CHAMPIONSHIP-CALIBER BOXERS HERE?

16:20:33 14 A. JUST -- JUST TO PUT THE -- JUST TO
16:20:33 15 DEMONSTRATE THE DECLINE IN THE T.V. REVENUE, AND THE
16:20:38 16 DECLINE IN THE NUMBER OF EVENTS ON T.V., AND THE
16:20:40 17 DECLINE IN THE CHAMPIONSHIP-CALIBER BOXERS.

16:20:43 18 Q. WELL, DID YOU BELIEVE AT THE TIME YOU
16:20:44 19 WROTE YOUR REPORT THAT THE PROPER ANALYSIS FOR
16:20:46 20 DETECTING THE IMPACT ON GOLDEN BOY FROM THE ALLEGED
16:20:50 21 ANTICOMPETITIVE CONDUCT WAS GOLDEN BOY'S FINANCIAL
16:20:54 22 PERFORMANCE WITH RESPECT TO PROMOTING
16:20:57 23 CHAMPIONSHIP-CALIBER BOXERS?

16:20:59 24 MR. CESTERO: OBJECTION. IT'S VAGUE
16:21:03 25 AND AMBIGUOUS.

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

16:21:03 1 THE DEPONENT: AS I -- AS I TESTIFIED
16:21:03 2 THIS MORNING, I THINK THE PROPER DAMAGE CALCULATION
16:21:07 3 ENCOMPASSES BOTH CHAMPIONSHIP-CALIBER AND
16:21:09 4 NON-CHAMPIONSHIP-CALIBER BOXERS COMPARING '14 TO '15
16:21:12 5 AND '15 TO '16.

16:21:13 6 BY MR. WOLFSON:

16:21:13 7 Q. OKAY. AND -- AND WHY DO YOU BELIEVE
16:21:14 8 THAT'S THE PROPER ANALYSIS?

16:21:16 9 MR. CESTERO: OBJECTION; ASKED AND
16:21:17 10 ANSWERED.

16:21:19 11 THE DEPONENT: BECAUSE THE -- BECAUSE
16:21:22 12 KNEUPER OPINES THE IMPACT OF THE TYING OF THE
16:21:28 13 PROMOTION AND THE MANAGEMENT AND THE LOCKUP OF THE
16:21:32 14 T.V.'S HARMS GOLDEN BOY AND ITS ABILITY TO GET YOUNG
16:21:37 15 PROSPECTS THROUGH THE PROCESS OF DEVELOPING THEM INTO
16:21:41 16 CHAMPIONSHIP-CALIBER BOXERS.

16:21:43 17 BY MR. WOLFSON:

16:21:43 18 Q. UH-HUH.

16:21:43 19 A. AND SO I'VE CONSIDERED AND -- AND IN
16:21:48 20 ADDITION, WE'VE TOUCHED ON THIS AS WELL. THAT'S PART
16:21:50 21 OF IT, ATTRACTING CHAMPIONSHIP-CALIBER BOXERS, AND
16:21:52 22 THE IMPORTANCE OF OPPONENTS ALL GO INTO THOSE FOUR
16:21:56 23 CATEGORIES THAT I'VE BROKEN OUT IN EXHIBIT 3.

16:22:03 24 Q. BUT YOU'RE NOT OPINING THAT GOLDEN BOY
16:22:05 25 ACTUALLY WAS UNABLE TO ATTRACT YOUNG PROSPECTS THAT

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Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

16:22:07 1 IT COULD THEN DEVELOP INTO CHAMPIONSHIP-CALIBER

16:22:10 2 BOXERS?

16:22:11 3 MR. CESTERO: OBJECTION. IT'S VAGUE

16:22:12 4 AND AMBIGUOUS.

16:22:13 5 THE DEPONENT: LITERALLY UNABLE, I'M

16:22:14 6 NOT OPINING ON THAT.

16:22:16 7 WHAT I'M OPINING ON IS THEY'VE BEEN

16:22:18 8 DAMAGED IN THEIR ABILITY TO ATTRACT THOSE, AND I --

16:22:23 9 I -- I SEE THAT IN THE DECLINE IN THE NUMBER OF

16:22:25 10 BOXERS FROM '14 TO '15 AND '15 TO '16.

16:22:27 11 BY MR. WOLFSON:

16:22:27 12 Q. YOU ARE OPINING ON THE ASSUMPTION THAT
16:22:31 13 THEY WERE UNABLE TO; RIGHT? OR ARE YOU OPINING THAT
16:22:33 14 THEY ACTUALLY WERE UNABLE TO ATTRACT THESE YOUNG
16:22:37 15 BOXERS?

16:22:37 16 A. NO. I'M -- I'M RELYING ON KNEUPER'S
16:22:42 17 OPINION FOR THE DAMAGES.

16:22:42 18 Q. AND NOT ONLY DAMAGES, BUT FOR THE
16:22:44 19 THEORY OF LIABILITY FOR YOUR DAMAGES ANALYSIS?

16:22:47 20 A. THAT'S CORRECT.

16:22:57 21 Q. PARAGRAPH 22?

16:22:58 22 A. YOU SAY YOU EVALUATED GOLDEN BOY'S
16:23:00 23 DAMAGES BASED ON THE HYPOTHETICAL BUT-FOR ANALYSIS
16:23:03 24 WHERE HAYMON ONLY ACTS AS A MANAGER.

16:23:12 25 IF THE FACTS SHOW THAT HAYMON DID ONLY

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

16:24:03 1 SOME PORTION OF HIS OPINION, THEN I WOULDN'T -- I
16:24:05 2 WOULDN'T HAVE AN OPINION ON WHAT THE IMPACT OF THAT
16:24:05 3 WOULD BE ON MY DAMAGES.

16:24:09 4 MY DAMAGES CONSIDERS HIS OPINION IN
16:24:10 5 TOTAL, AND IT DRIVES THE DAMAGES IN TOTAL.

16:24:13 6 Q. YOUR DAMAGES OPINION -- THE BUT-FOR
16:24:16 7 WORLD, THE WORLD AS IT SHOULD HAVE BEEN -- IS ONE IN
16:24:19 8 WHICH HAYMON ACTED ONLY AS A MANAGER; RIGHT?

16:24:25 9 A. YES.

16:24:26 10 Q. AND IF IT'S PROVEN THAT HAYMON ACTED
16:24:27 11 ONLY AS A MANGER IN THE WORLD AS IT IS, IS IT CORRECT
16:24:31 12 THAT YOU -- YOU WOULD HAVE TO CONCLUDE THERE ARE NO
16:24:33 13 DAMAGES TO GOLDEN BOY?

16:24:35 14 MR. CESTERO: OBJECTION. IT'S AN
16:24:36 15 INCOMPLETE HYPOTHETICAL.

16:24:37 16 THE DEPONENT: NO.

16:24:38 17 THERE'S SEVERAL FACTORS HERE I
16:24:40 18 WOULDN'T HAVE AN OPINION ON, BECAUSE THERE'S A TYING
16:24:46 19 OF THE PROMOTION AND MANAGEMENT AND LOCKOUT ON
16:24:48 20 TELEVISION, AND POSSIBLY OTHER STUFF THAT KNEUPER
16:24:51 21 BUILDS INTO HIS -- HIS LIABILITY THEORY.

16:24:54 22 BY MR. WOLFSON:

16:24:54 23 Q. UH-HUH.

16:24:54 24 A. AND SO TO THE EXTENT THAT ONE OF
16:25:03 25 THOSE -- IN A HYPOTHETICAL -- ONE OF THOSE IS FOUND

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

16:35:56 1 GO AHEAD.
16:35:56 2 THE DEPONENT: THAT -- THAT ROSTER DID
16:35:57 3 CHANGE. AND THE -- THE -- I THINK THAT THE NET
16:36:01 4 CHANGE IS ALLEGED TO BE HARM FROM THE ANTICOMPETITIVE
16:36:02 5 BEHAVIOR.
16:36:02 6 BY MR. WOLFSON:

16:36:02 7 Q. YOU'RE NOT AWARE OF THE FACTS OF
16:36:09 8 SPECIFIC BOXERS THAT GOLDEN BOY WAS PRECLUDED FROM
16:36:10 9 PROMOTING IN 2015?

16:36:12 10 MR. CESTERO: OBJECTION; VAGUE AND
16:36:13 11 AMBIGUOUS.

16:36:13 12 THE DEPONENT: I'M NOT AWARE OF
16:36:18 13 ANYTHING IN A LITERAL, SPECIFIC-BOXER SENSE THAT --
16:36:21 14 THAT -- THAT SAYS THAT.

16:36:22 15 BY MR. WOLFSON:

16:36:22 16 Q. IN DR. KNEUPER'S REPORT, ARE YOU AWARE
16:36:23 17 OF ANY SPECIFIC BOXERS THAT HE CLAIMS GOLDEN BOY WAS
16:36:27 18 PRECLUDED FROM PROMOTING IN 2015 OR 2016?

16:36:36 19 MR. CESTERO: OBJECTION; VAGUE AND
16:36:36 20 AMBIGUOUS.

16:36:36 21 THE DEPONENT: YEAH. I -- I AM NOT.
16:36:38 22 IT'S 60 PAGES. BUT AS I SIT HERE, I DON'T RECALL A
16:36:45 23 SPECIFIC BOXER.

16:36:46 24 BY MR. WOLFSON:

16:36:46 25 Q. IN DR. KNEUPER'S REPORT, ARE YOU AWARE

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

16:36:48 1 OF ANY SPECIFIC BOUTS OR FIGHTS THAT HE CLAIMS WERE
16:36:51 2 PRECLUDED DUE TO THE HAYMON ENTITIES' ANTICOMPETITIVE
16:36:59 3 ACTIVITIES?
16:37:00 4 MR. CESTERO: OBJECTION. IT'S VAGUE
16:37:01 5 AND AMBIGUOUS.
16:37:01 6 THE DEPONENT: YEAH. AS I SIT HERE
16:37:02 7 TODAY, I DON'T RECALL ANY.
16:37:04 8 BY MR. WOLFSON:
16:37:04 9 Q. IS THERE ANYTHING IN DR. SMITH'S
16:37:07 10 REBUTTAL REPORT THAT YOU DISAGREE WITH?
16:37:13 11 MR. CESTERO: OBJECTION; VAGUE AND
16:37:14 12 AMBIGUOUS.
16:37:14 13 THE DEPONENT: I'M JUST HESITATING
16:37:14 14 BECAUSE I WAS TRYING -- FOR SOME REASON I HAVE GARY
16:37:14 15 SHAW STUCK IN MY HEAD.
16:37:19 16 SO YOU MEAN THE DR. SMITH -- DR. SMITH
16:37:19 17 THAT WROTE THE REBUTTAL REPORT TO MY OPINION?
16:37:49 18 BY MR. WOLFSON:
16:37:49 19 Q. YES.
16:37:50 20 A. SORRY ABOUT THAT.
16:37:51 21 Q. THAT'S OKAY.
16:37:51 22 A. YEAH. I DISAGREE WITH SEVERAL THINGS
16:38:07 23 IN HIS REPORT.
16:38:08 24 Q. OKAY. WHAT DO YOU DISAGREE WITH IN
16:38:10 25 HIS REPORT?

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

16:39:54 1 ANY OPINIONS THAT I -- THAT I HELD WHEN I ORIGINALLY
16:39:57 2 DID THIS REPORT.

16:40:01 3 AND THEN I CAN GO PARAGRAPH BY
16:40:02 4 PARAGRAPH IF YOU'D LIKE, OR WE CAN DO IT BY MAJOR
16:40:05 5 TOPIC.

16:40:06 6 I DON'T WANT TO -- I -- I'M NOT
16:40:06 7 SURE THAT I CAN START AT PARAGRAPH 5 AND GO THROUGH
16:40:08 8 THE ENTIRE REPORT OR --
16:40:10 9 BY MR. WOLFSON:

16:40:10 10 Q. I GUESS I'D BE CURIOUS ABOUT MAJOR
16:40:12 11 TOPICS THAT YOU -- THAT YOU DISAGREE WITH.

16:40:16 12 A. OKAY. AND IF I MISS ANYTHING, THEN I
16:40:19 13 WANT TO SAY THERE WAS NOTHING IN HERE THE CAUSED ME
16:40:21 14 TO CHANGE OPINIONS --

16:40:22 15 Q. CHANGE YOUR OPINION?

16:40:24 16 A. -- CHANGE MY OPINIONS. OKAY?

16:40:25 17 Q. UH-HUH.

16:40:26 18 A. SO METHODOLOGICALLY, I -- I THINK I
16:40:27 19 DID PROPERLY APPLY THE BUT-FOR METHODOLOGY.

16:40:30 20 I DO THINK THAT THERE'S -- AND LET ME
16:40:31 21 SLOW DOWN SO I CAN DO THIS AND GET IT ON THE RECORD
16:40:33 22 CLEARLY.

16:40:37 23 I DO THINK THAT THERE'S A PROPER
16:40:38 24 CAUSAL LINK IN -- EXPRESSED IN DR. KNEUPER'S REPORT
16:40:42 25 THAT I'M RELYING ON FOR MY DAMAGES.

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DEPOSITION OF GENE DEETZ

16:40:46 1 AND I -- I CONSIDER Y-'14 AS A PROPER
16:40:48 2 BASE YEAR --
16:40:48 3 Q. UH-HUH.
16:40:49 4 A. -- AND I THINK IT'S -- FOR THE REASONS
16:40:50 5 WE'VE DISCUSSED.
16:40:56 6 I DON'T THINK THAT THERE'S A TREND
16:40:56 7 THAT IN ANY OF THE PRE-EXISTING YEARS THAT WOULD
16:41:00 8 CAUSE ME -- IT DOESN'T CAUSE ME TO WANT TO CHANGE MY
16:41:09 9 OPINION.
16:41:10 10 I THINK THAT '14 IS THE APPROPRIATE
16:41:11 11 BASE YEAR.
16:41:12 12 I THINK THAT THE -- THE DIFFERENCE OF
16:41:18 13 OPINIONS WE HAVE IS ALSO IN HIS CRITICISM OF ME FOR
16:41:21 14 NOT REMOVING MR. MAYWEATHER -- AND I'M -- I'M GOING
16:41:24 15 TO GENERALIZE HIS DISCUSSION OF IT. BUT I THINK I
16:41:27 16 HAVE A FAIR HANDLE ON IT -- FOR NOT REMOVING
16:41:33 17 MR. MAYWEATHER FROM 2014 BASE YEAR.
16:41:38 18 AND WE'VE DISCUSS WHY -- I THINK IN A
16:41:39 19 FAIRLY DETAILED WAY -- WHY I THINK THAT THAT SHOULD
16:41:43 20 STAY IN.
16:41:44 21 WE DISCUSSED MY REASONING ON
16:41:45 22 MR. SCHAEFER AND THE EXECUTIVES LEAVING.
16:41:49 23 AND WE'VE DISCUSSED THE DIFFERENT
16:41:50 24 VIEWS THAT HE AND I HAVE ON WHETHER OR NOT THE 14
16:41:53 25 MILLION DOLLARS THAT WAS PAID AS PART OF THE

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

16:41:54 1 SETTLEMENT, IN MY OPINION, SHOULD NOT BE CONSIDERED
16:42:00 2 AND OFFSET TO DAMAGES.
16:42:05 3 AND SO I THINK FROM A -- AND I ALSO
16:42:10 4 DON'T THINK THAT DAMAGES SHOULD BE LIMITED TO
16:42:12 5 CHAMPIONSHIP-CALIBER BOXERS, AND WE'VE DISCUSSED
16:42:16 6 THAT.
16:42:17 7 AND THAT MY MODEL -- DAMAGE MODEL,
16:42:18 8 WHICH I THINK IS PROPER METHODOLOGY, ADDRESSES ALL OF
16:42:25 9 THE KNEUPER LIABILITY THEORY.
16:42:30 10 AND -- AND HE CRITICIZES ME FOR NOT
16:42:32 11 PROVIDING A MODEL THAT WOULD ALLOW -- AND YOU HAD
16:42:45 12 SOME QUESTIONS ALONG THOSE LINES WITH ME TODAY
16:42:48 13 THAT -- NOT ALLOWING ME TO BE ABLE TO LOOK AT
16:42:51 14 DIFFERENT COMPONENTS OF THAT.
16:42:53 15 AND MY RESPONSE, I WOULD STATE, IS
16:42:54 16 I -- I -- I ADOPTED KNEUPER IN TOTAL, AND I'D HAVE TO
16:42:58 17 SEE ALL THE FACTS AND CIRCUMSTANCES IN A DIFFERENT
16:43:02 18 REPORT BY DR. KNEUPER, OR SOME OTHER INSTRUCTION,
16:43:04 19 THAT GAVE ME ALL THE FACTS AND CIRCUMSTANCES TO
16:43:07 20 CONSIDER CHANGING THAT.
16:43:10 21 I DID SAY TODAY ALSO ON THAT POINT,
16:43:14 22 THOUGH, THAT WHAT WE DO HAVE IS A COMPREHENSIVE
16:43:16 23 FIGHTER-BY-FIGHTER, EVENT-BY-EVENT MODEL.
16:43:21 24 AND SO TO THAT EXTENT, AS AN EXAMPLE,
16:43:26 25 WE LOOKED AT THE NUMBERS ON -- ON MR. MAYWEATHER THIS

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

16:43:28 1 MORNING, AND WE WENT THROUGH SOME -- SOME -- SOME
16:43:28 2 CALCULATION ON THE 2.2. MILLION THAT MAYWEATHER --
16:43:32 3 BOTH FIGHTS FOR MAYWEATHER WERE IN THE 2014 P & L.
16:43:36 4 AND WE TALKED ABOUT THE ABILITY TO
16:43:41 5 MAYBE CRITICIZE THE -- THE METRIC FOR THE
16:43:44 6 CHAMPIONSHIP-CALIBER BOXER. AND THE MODEL IS --
16:43:49 7 IS -- IT CAN HANDLE THAT, AND IT CAN HANDLE IT VERY
16:43:53 8 EFFICIENTLY.
16:43:56 9 BUT -- BUT THE -- BUT MY POINT IS IS
16:43:57 10 THAT THAT MODEL, WHICH I THINK'S APPROPRIATE, ADOPTS
16:44:03 11 KNEUPER'S LIABILITY THEORY IN TOTAL, BUT IT ALSO HAS
16:44:06 12 A TREMENDOUS AMOUNT OF FUNCTIONALITY AND GAVE ME A
16:44:09 13 TREMENDOUS AMOUNT OF INSIGHT INTO THE DETAILED
16:44:12 14 FINANCIAL OPERATIONS OF THE COMPANY.
16:44:13 15 WE'VE TALKED ABOUT THE FACT THAT I
16:44:15 16 DON'T IDENTIFY A SPECIFIC EVENT -- AND WHY I DON'T
16:44:19 17 IDENTIFY A SPECIFIC EVENT -- TODAY. AND I DISAGREE
16:44:21 18 THAT YOU DON'T HAVE TO DO THAT OR SHOULD BE ABLE TO
16:44:24 19 DO THAT.
16:44:26 20 YOU CAN'T DO WHAT I'VE DONE, IN TERMS
16:44:37 21 OF -- OF -- OF THE ASSUMPTIONS.
16:44:39 22 AND WHILE -- I'VE GIVEN YOU THE
16:44:41 23 ASSUMPTIONS I'M USING IN THE MODEL BASED ON KNEUPER'S
16:44:44 24 LIABILITY THEORY.
16:44:45 25 WE'VE TALKED ABOUT THE -- I DON'T KNOW

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

16:44:47 1 IF YOU ASKED ABOUT THE YARDSTICK. WE TALKED ABOUT
16:44:49 2 THE YARDSTICK, THE BUT-FOR.

16:44:53 3 AND I DO THINK I HAVE AN ACCEPTED
16:44:54 4 METHODOLOGY, AM VERY EXPERIENCED IN THIS, AND I THINK
16:44:56 5 IT'S THE RIGHT METHOD AND THE RIGHT APPROACH.

16:45:02 6 MY BUT-FOR PERIOD IS A RELIABLE
16:45:03 7 PREDICTOR. WE'VE TALKED ABOUT THAT.

16:45:08 8 WE'VE TALKED Y-'14 IS A REASONABLE
16:45:11 9 BASE YEAR.

16:45:11 10 TALKED ABOUT WHY I DON'T BELIEVE
16:45:13 11 THERE'S A TREND THAT'S -- THAT -- THAT WOULD CAUSE
16:45:18 12 ANY ADJUSTMENT.

16:45:20 13 AND I THINK WHEN WE GET IN -- I'M BACK
16:45:21 14 NOW ON PAGE 11, AS AN EXAMPLE. AND WE GET INTO:
16:45:29 15 I'VE FAILED TO CONTROL FOR FACTORS.

16:45:35 16 WE'VE TALKED ABOUT MR. SCHAEFER. AND
16:45:36 17 I THINK THE ONE HE POINTS -- BUT HE -- HE POINTS MORE
16:45:42 18 STATISTICALLY TO, WHEN HE COMPUTES, IN HIS VIEW WHAT
16:45:45 19 WOULD MAKE MY DAMAGES ZERO IS THE -- THE -- THE 2.2
16:45:49 20 MILLION FOR MAYWEATHER AND THE 14 MILLION -- MR.
16:45:54 21 MAYWEATHER -- AND AT THE 14 MILLION FOR THE
16:45:57 22 SETTLEMENT.

16:46:01 23 AND -- AND WITHOUT -- I GUESS I
16:46:03 24 COULD -- I THINK THE -- JUST PAUSE THERE.

16:46:04 25 AND TO THE BEST OF MY ABILITY, THAT'S

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Kelli Norden and Associates
Court Reporters
310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com

DEPOSITION OF GENE DEETZ

1 STATE OF CALIFORNIA)
) .SS
2 COUNTY OF LOS ANGELES)
3

4 I, TRACY M. FOX, CERTIFIED SHORTHAND
5 REPORTER, CERTIFICATE NUMBER 10449, FOR THE STATE
6 OF CALIFORNIA, HEREBY CERTIFY:

7 THE FOREGOING PROCEEDINGS WERE TAKEN
8 BEFORE ME AT THE TIME AND PLACE THEREIN SET FORTH,
9 AT WHICH TIME THE DEPONENT WAS PLACED UNDER OATH
10 BY ME;

11 THE TESTIMONY OF THE DEPONENT AND ALL
12 OBJECTIONS MADE AT THE TIME OF THE EXAMINATION
13 WERE RECORDED STENOGRAPHICALLY BY ME AND WERE
14 THEREAFTER TRANSCRIBED;

15 THE FOREGOING TRANSCRIPT IS A TRUE AND
16 CORRECT TRANSCRIPT OF MY SHORTHAND NOTES SO TAKEN;

17 I FURTHER CERTIFY THAT I AM NEITHER
18 COUNSEL FOR NOR RELATED TO ANY PARTY TO SAID
19 ACTION, NOR IN ANY WAY INTERESTED IN THE OUTCOME
20 THEREOF.

21 IN WITNESS WHEREOF, I HAVE HEREUNTO
22 SUBSCRIBED MY NAME THIS 24TH DAY OF OCTOBER, 2016.
23
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310.820.7733 phone 310.820.7933 fax
11835 W. Olympic Boulevard Suite 680E
Los Angeles, California 90064
kna@kellinorden.com www.kellinorden.com